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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on the Promotion and  
Protection of Human Rights  
Fifty-fifth session  
Agenda item 7

**DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT**

**Draft report of the Sub-Commission on the Promotion  
and Protection of Human Rights\***

**Rapporteur: Mr. Stanislav OGURTSOV**

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\* Documents E/CN.4/Sub.2/2003/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/2003/L.11 and addenda.

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## **II. Resolutions and decisions adopted by the Sub-Commission at its fifty-fifth session**

### **A. Resolutions**

#### **2003/1. Promotion of the realization of the right to drinking water and sanitation**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Reaffirming* the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

*Mindful* that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and a wide range of other texts provide unequivocally that all persons are entitled to the full realization of economic, social and cultural rights,

*Recalling* the Declaration on the Right to Development (General Assembly resolution 41/128 of 4 December 1986, annex),

*Recalling also* that in part I, paragraph 10, of the Vienna Declaration and Programme of Action, the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of human rights, and urged States and the international community to promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

*Taking account* of the results of the World Summit for Social Development, held in Copenhagen from 6 to 12 March 1995, especially the recommendations in its Programme of Action (A/CONF.166/9, resolution 1, annex II) concerning the United Nations system to strengthen United Nations operational activities for development in order to ensure the implementation of the World Summit outcome, as well as the United Nations system's capacity for gathering and analysing information and establishing indicators of social development, taking into account the work carried out by different countries, in particular by developing countries (para. 99 (e)),

*Recalling* resolutions I (Assessment of water resources), II (Community water supply), III (Agricultural water use), IV (Research and development of industrial technologies),

VIII (Institutional arrangements for international cooperation in the water sector) and IX (Financing arrangements for international cooperation in the water sector) adopted at the United Nations Water Conference, held in Mar del Plata, Argentina, from 14 to 25 March 1977,

*Taking particular account* of the International Drinking Water Supply and Sanitation Decade (1981-1990) and the celebration, on 22 March of each year, of the World Day for Water, proclaimed by the General Assembly in its resolutions 35/18 of 10 November 1980 and 47/193 of 22 December 1992, respectively,

*Bearing in mind* the objectives of a “20:20”-type compact concerning in particular the access of all to drinking water supply and sanitation services, as stated in the *Human Development Report 1994*,

*Recalling* its resolution 1997/18 of 27 August 1997, in which it decided to entrust to Mr. El-Hadji Guissé the task of drafting, without financial implications, a working paper on the question of the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services,

*Reaffirming* the fundamental principles of equality, human dignity and social justice, and the right to drinking water supply and sanitation for every woman, man and child,

*Convinced* of the urgent and persistent need for increased attention and commitment by all decision makers to the right of everyone to drinking water supply and sanitation,

*Bearing in mind* the Protocol on Water and Health to the 1992 Convention on the Use of Transboundary Watercourses and International Lakes, adopted in London in 1999 under the auspices of the Economic Commission for Europe, and which refers to the principle of equitable access to water, which should be provided for all members of the population (art. 5 (1)),

*Bearing in mind also* the principles of the Madeira Declaration on the sustainable management of water resources, adopted by the European Council on Environment Law on 17 April 1999, and the resolution on drinking water adopted by the Council on 28 April 2000,

*Taking into consideration* the working paper on the promotion of the realization of the right of everyone to access to drinking water supply and sanitation services prepared by Mr. El-Hadji Guissé (E/CN.4/Sub.2/1998/7),

*Recalling* Commission on Human Rights decision 2002/105 of 22 April 2002, approving the appointment of Mr. El-Hadji Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation,

*Deeply concerned* that more than 1 billion people in the world are still deprived of access to drinking water supply and that almost 4 billion are not living in decent conditions of sanitation,

1. *Welcomes* Mr. Guissé's preliminary report on, in particular, the content of the right to drinking water and sanitation and the implementation of the right to drinking water;
2. *Subscribes* to the remarks of the expert to the effect that various obstacles linked to the realization of the right of everyone to drinking water supply and sanitation seriously impede the realization of economic, social and cultural rights, and that equality is an essential element for effective participation in the realization of the right to development and the right to a healthy environment;
3. *Requests* the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and interested non-governmental organizations to provide the Special Rapporteur with information necessary for the preparation of his final report;
4. *Also requests* the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable him to fulfil his mandate.

*21st meeting*  
*13 August 2003*  
[Adopted without a vote. See chap. VI.]

**2003/2. Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights, the United Nations Convention against Transnational Organized Crime as well as other relevant human rights instruments,

*Deeply concerned* that the enjoyment of human rights, be they economic, social and cultural or civil and political, is seriously undermined by the phenomenon of corruption,

*Taking account* of standards adopted at the national, regional and international levels against corruption, including the revised draft United Nations Convention against Corruption contained in document A/AC.261/3/Rev.4,

*Convinced* that corruption has become a major international concern, taking many forms, from routine cases of bribery or petty abuse of power to the amassing of spectacular personal wealth through embezzlement or other dishonest means,

*Recalling* its decision 2002/106 of 14 August 2002, in which it decided to entrust to Ms. Christy Mbonu the task of preparing, without financial implications, a working paper on the question of corruption and its impact on the enjoyment of human rights, in particular, economic, social and cultural rights,

*Taking into account* the working paper submitted by Ms. Christy Mbonu at its fifty-fifth session (E/CN.4/Sub.2/2003/18) and the very useful interactive debate among the participants at the Sub-Commission,

1. *Encourages* political leaders in their respective countries to be national examples of probity, integrity and self-esteem so as to give a decent moral direction to governance at all levels;
2. *Urges* States to introduce national mechanisms to prevent and combat corruption through the establishment of specific anti-corruption legislation;



3. *Also urges* States to aggressively combat and eliminate corruption, particularly among law enforcement agencies and the judiciary;
4. *Calls upon* civil society, particularly the media and non-governmental organizations, to become more involved in the prevention and punishment of corruption;
5. *Endorses* the conclusions and recommendations of the working paper on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights, submitted by Ms. Christy Mbonu;
6. *Decides* to appoint Ms. Mbonu as Special Rapporteur with the task of preparing a comprehensive study on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights, based on her working paper and the opinions expressed during the debate on this issue during the present session, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-sixth session, a progress report at its fifty-seventh session and a final report at its fifty-eighth session;
7. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task;
8. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

“The Commission on Human Rights, taking note of the Sub-Commission on the Promotion and Protection of Human Rights resolution 2003/2 of 13 August 2003, and convinced of the destructive effects of all forms of corruption on the enjoyment of human rights, the rule of law and the implementation of the right to development, decides to endorse the decision of the Sub-Commission to appoint Ms. Christy Mbonu as Special Rapporteur with the task of preparing a comprehensive study on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights, based on her working paper (E/CN.4/Sub.2/2003/18) as well as the comments received and the useful discussions that took place at the fifty-fifth session of the Sub-Commission, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-sixth session, a progress report at its

fifty-seventh session and a final report at its fifty-eighth session. The Commission also decides to endorse the request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her accomplish her task.”

*21st meeting  
13 August 2003*

[Adopted without a vote. See chap. VI.]

### **2003/3. Report of the Working Group on Contemporary Forms of Slavery**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Taking note* of the report of the Working Group on Contemporary Forms of Slavery on its twenty-seventh session (E/CN.4/Sub.2/2003/31) and in particular the recommendations contained in chapter VI,

*Deeply concerned* at the information it contains relating to the role of discrimination and gender discrimination in the perpetuation of slavery, the exploitation of children, the traffic in persons, the exploitation of the prostitution of others, the exploitation of domestic and migrant workers, slave and child labour, the sexual exploitation of children, the abusive use of the Internet for the purpose of sexual exploitation, the sale of children, child prostitution and child pornography and the role of corruption in the perpetuation of slavery and related practices,

*Noting* that poverty, social exclusion, illiteracy, ignorance, rapid population growth, HIV/AIDS virus, poor governance, corruption, impunity, discrimination in all its forms and armed conflicts are the main causes of contemporary forms of slavery,

*Noting also* that the status of ratification of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory,

1. *Expresses its appreciation* to the Working Group on Contemporary Forms of Slavery for its valuable work and in particular for its continued attention to the problems submitted to it;

2. *Welcomes* the priority attention devoted by the Working Group to the issue of contemporary forms of slavery related to and generated by discrimination, in particular gender discrimination;

I. CONTEMPORARY FORMS OF SLAVERY RELATED TO AND  
GENERATED BY DISCRIMINATION, IN PARTICULAR  
GENDER DISCRIMINATION

3. *Recognizes* that victims of slavery and slavery-like practices frequently belong to minority groups, particular racial groups or categories of people who are especially vulnerable to a wide range of discriminatory acts, including women, children, indigenous peoples, people of descent-based groups and migrant workers;

4. *Urges* Governments to fully implement general recommendation XXIX on descent-based discrimination adopted by the Committee on the Elimination of Racial Discrimination, including by: reviewing, enacting or amending legislation to outlaw all forms of discrimination based on descent; resolutely implementing legislation and other measures in force; and formulating and implementing a comprehensive national strategy, with the participation of members of affected groups, to eliminate discrimination against members of descent-based groups;

5. *Also urges* Governments to establish and implement national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations, as recommended in the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001;

6. *Invites* States to review and, where necessary, reform legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years, for both girls and boys, in accordance with the new general comment No. 4 of the Committee on the Rights of the Child;

7. *Also invites* States to implement programmes and policies aimed at combating practices affecting the health of children, especially girls, and at setting up broad information campaigns on the devastating effects and consequences of certain identified practices, such as early marriages/early pregnancies, on girls;

## II. TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

8. *Calls upon* States to recognize that human trafficking is a gross violation of human rights and fundamental freedoms and, hence, to criminalize it in all its forms and to condemn and penalize traffickers and intermediaries;

9. *Urges* States to ensure that their policies and laws do not legitimize prostitution as the victims' choice of work, or promote the legalization or regulation of prostitution;

10. *Urges* Governments that have not yet done so to sign and ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, the Convention to Eliminate All Forms of Discrimination against Women and the United Nations Convention against Transnational Organized Crime, including the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children;

11. *Calls upon* States to ensure that the protection and support provided to the victims are at the centre of any anti-trafficking policy and to provide protection, assistance and temporary residence permits to victims that are not contingent on their cooperation with the prosecution of their exploiters, as articulated in articles 6, 7 and 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

12. *Urges* States to allocate resources for comprehensive programmes designed to provide assistance to, protection for, and healing reintegration into society and rehabilitation of victims;

13. *Also urges* States to devise, enforce and strengthen effective measures at the national, regional and international levels to prevent, combat and eliminate all forms of trafficking through comprehensive anti-trafficking strategies which include legislative measures, prevention campaigns and information exchange;

14. *Calls upon* United Nations bodies and agencies to develop and implement codes of conduct that prohibit all forms of sexual exploitation by United Nations employees and contract workers and humanitarian aid workers, and invites non-governmental organizations to do the same in their sphere of competence;

15. *Recommends* that the General Assembly consider declaring a United Nations year against trafficking in persons, especially women, youth and children, in order to protect their dignity and human rights;

### III. SEXUAL EXPLOITATION OF CHILDREN AND ACTIVITIES OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

16. *Takes note* of the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Mr. Juan Miguel Petit, to the Commission on Human Rights at its fifty-eighth session (E/CN.4/2003/79) and requests him, within the framework of his mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography, and to participate at the twenty-ninth session of the Working Group;

17. *Requests* the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

### IV. ERADICATION OF BONDED LABOUR AND ELIMINATION OF CHILD LABOUR

18. *Calls upon* all States that have not already done so to ratify International Labour Organization Convention (No. 182) concerning the prohibition and immediate action for the elimination of the worst forms of child labour (which includes trafficking, forced labour, debt

bondage, forced recruitment into armed conflicts, commercial sexual exploitation and hazardous work) and calls upon States parties to this Convention to harmonize their national legislation with the Convention;

19. *Also calls upon* States to ensure that the worst forms of child labour are prohibited and that the penalties are commensurate with the crimes committed and that this legislation is properly enforced;

20. *Urges* States, while attempting ultimately to eliminate child labour and child domestic labour by, inter alia, enacting and implementing laws on compulsory and free primary education, to adopt and enforce measures and regulations to eliminate all discrimination against girls in education, skills development and training and to protect child workers, in particular child domestic workers, and ensure that they are not exploited;

21. *Urges* States that have not yet done so to introduce comprehensive legislation to prohibit bonded labour in all its forms, as a matter of urgency, including provisions for the punishment of any future employers of bonded labourers; this legislation should include measures of compensation for having been subjected to bonded labour and debt bondage, rehabilitation assistance including, at a minimum and where applicable, the grant of enough land to sustain a single family throughout the year, and legal provisions to protect their ownership and occupation of such land;

22. *Calls upon* States to provide support to organizations assisting victims of bonded labourers, particularly when they face harassment and threats;

23. *Urges* States to design and implement effective programmes to prevent and eliminate bonded labour which will incorporate a comprehensive development programme; such programmes should address: access to education, including vocational training; other practical training; basic health care; land reform and fairer leasing arrangements; provision of stable employment and the enforcement of the minimum wage;

24. *Calls upon* United Nations specialized agencies and intergovernmental organizations, such as the United Nations Children's Fund, the World Health Organization, the

International Labour Organization, the United Nations Development Programme and others, to develop joint programmes in order to break the cycle of poverty and social exclusion which makes people vulnerable to exploitation through bonded labour;

25. *Recommends* that all competent United Nations organs, specialized agencies, development banks and intergovernmental agencies involved in development initiatives take action to contribute to the elimination of debt bondage, in particular by the provision of alternative sources of credit to bonded labourers;

26. *Also recommends* the creation of an inter-agency group, operational at a local level and responsible at the national level, in the affected countries which would involve the various government departments, trade unions, employers' organizations, non-governmental organizations and community groups in eliminating the practice of debt bondage;

27. *Calls upon* States to ensure that all boys and girls benefit from free compulsory education, as provided in the Convention on the Rights of the Child and other treaties, and invites the international community to cooperate in developing viable alternatives to child labour, in particular for young girls;

28. *Requests* the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour and to report thereon to the Sub-Commission and the Commission on Human Rights at their next sessions;

## V. MIGRANT WORKERS AND DOMESTIC MIGRANT WORKERS

29. *Welcomes* the entry into force on 1 July 2003 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families adopted by the General Assembly in its resolution 45/158 of 18 December 1990;

30. *Urges* States to ensure that protective regulations govern the employment situation of migrants and provide for safe conditions of work, and also to investigate and prosecute those responsible for illegal immigration channels used to purchase false documents for migrants who are being trafficked;

31. *Also urges* States, in particular receiving countries, to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

32. *Further urges* States to take the necessary measures to prohibit and punish those who confiscate passports belonging to migrant workers, in particular migrant domestic workers;

33. *Recommends* that non-governmental organizations pay particular attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;

## VI. FORCED LABOUR

34. *Invites* the States concerned to introduce consolidated legislation on forced labour and to take urgent action to speed up criminal proceedings, secure successful prosecutions and apply effective sanctions against all those using forced labour;

35. *Requests* the Working Group to consider as a matter of priority at its twenty-ninth session (2004) the issue of forced labour, in light of the new Programme of Action of the International Labour Organization;

36. *Invites* the International Labour Organization, in cooperation with the members of the Working Group, to consider organizing, within the framework of the twenty-ninth session of the Working Group, consultations on the issue of the forced labour;

## VII. THE ROLE OF CORRUPTION IN THE PERPETUATION OF SLAVERY AND SLAVERY-LIKE PRACTICES

37. *Urges once again* all States to take adequate steps to monitor and enforce laws, particularly as they relate to slavery, slavery-like practices and corruption, including trafficking in and exploitation of the prostitution of women and children;

38. *Urges* States to adopt and enforce legislation that prohibits corruption, including that committed by public officials;

39. *Encourages* States to take measures aimed at improving the training and professionalism of law enforcement personnel, as well as their respect for human rights;



### VIII. MISUSE OF THE INTERNET FOR THE PURPOSE OF SEXUAL EXPLOITATION

40. *Recommends* that Governments, as a matter of priority, review, amend and enforce existing laws, or enact new laws, to prevent the misuse of the Internet for trafficking for the purposes of prostitution, pornography and the sexual exploitation of women and children;

41. *Urges* Governments to act more forcefully to eliminate traffic in persons, exploitation of the prostitution of others, pornography and all other forms of sexual exploitation through the Internet, and in that regard to consider setting up monitoring systems aimed at a better control of the Internet;

42. *Calls* for closer cooperation among Governments, non-governmental organizations and Internet service providers in order to combat the misuse of the Internet;

### IX. MISCELLANEOUS

43. *Welcomes* the decision of the Working Group to consider as a matter of priority at its thirtieth session (2005), in the context of its thirtieth anniversary, an assessment of its activities and work;

44. *Appeals* to all Governments to send observers to the meetings of the Working Group;

45. *Encourages* youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

46. *Recommends* that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to issues related to the protection of children and other persons exposed to contemporary forms of slavery;

47. *Requests once again* the Secretary-General to transmit to the special rapporteurs and Working Groups concerned the recommendations of relevance to them and the report of the Working Group;

48. *Also requests* the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Office of the High Commissioner for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Office on issues relating to contemporary forms of slavery, in accordance with Commission on Human Rights resolutions 1996/61 of 26 April 1996 and 1999/46 of 27 April 1999;

49. *Requests* non-governmental organizations to disseminate information about the work of the Working Group as widely as possible;

50. *Invites* those Governments that have information relating to the priority issue to be discussed at the next session of the Working Group to assist it by providing the information either in advance or at that session.

*21st meeting  
13 August 2003*

[Adopted without a vote. See chap. VIII.]

#### **2003/4. Human rights and bioethics**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its decision 2002/114 of 15 August 2002,

*Taking note* of Commission on Human Rights resolution 2003/69 of 25 April 2003 in which the Commission again requested the Sub-Commission on the Promotion and Protection of Human Rights to consider what contribution it could make to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration on the Human Genome and Human Rights,

*Taking note also* of the expanded working paper submitted by Ms. Antoanella-Iulia Motoc (E/CN.4/Sub.2/2003/36),

1. *Express its appreciation* to Ms. Antoanella-Iulia Motoc for her comprehensive working paper;

2. *Decides* to appoint Ms. Motoc as Special Rapporteur to undertake a study on human rights and the human genome based on her working paper, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-sixth session and her final report to the Commission at its sixty-first session;

3. *Requests* the Secretary-General to provide the Special Rapporteur with the necessary assistance to enable her to carry out her study;

4. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

“The Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2003/4 of 13 August 2003, decides to approve the decision of the Sub-Commission to appoint Ms. Iulia-Antoanella Motoc as Special Rapporteur to undertake a study on human rights and the human genome, based on her working paper (E/CN.4/Sub.2/2003/36). The Special Rapporteur is requested to submit her preliminary report to the Sub-Commission at its fifty-sixth session and her final report to the Commission at its sixty-first session. The Commission also requested the Secretary-General to provide the Special Rapporteur with the necessary assistance to enable her to carry out her study.”

*21st meeting  
13 August 2003*

[Adopted without a vote. See chap. VIII.]

### **2003/5. United Nations Decade for Human Rights Education**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights,

*Reaffirming* article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

*Recalling* the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in particular Part II, paragraphs 78 to 82 thereof,

*Welcoming* the meaningful cooperation with the United Nations Educational, Scientific and Cultural Organization on this matter,

*Affirming* that human rights education is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies, and that such education is a determining factor in the promotion, dissemination and protection of the democratic values of justice and equity, which are essential to prevent and combat the spread of racism, racial discrimination, xenophobia and related intolerance, as was recognized at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,

*Recalling* the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

*Recalling also* General Assembly resolution 49/184 of 23 December 1994, in which the Assembly proclaimed the ten-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, welcomed the Plan of Action for the Decade (A/51/506/Add.1, appendix) and requested the High Commissioner to coordinate the implementation of the Plan of Action,

*Recognizing* the invaluable and creative role that non-governmental and community-based organizations play in the promotion and protection of human rights by disseminating public information and engaging in human rights education, especially at the grass-roots level and in remote and rural communities,

*Welcoming* the initiative of the Office of the High Commissioner to develop further the project entitled “Assisting Communities Together”, launched in 1998, supported by voluntary funds and designed to provide small grants to grass-roots and local organizations carrying out practical human rights activities,

*Recalling* the midterm global evaluation of progress made towards the achievement of the objectives of the Decade undertaken by the Office of the High Commissioner, in cooperation with all other principal actors in the Decade, which was presented in the relevant report of the High Commissioner to the General Assembly at its fifty-fifth session (A/55/360),

*Recalling also with appreciation* the report of the United Nations High Commissioner for Human Rights on the implementation of the Plan of Action of the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2003/100),

*Recalling further with appreciation* the study of the High Commissioner on the follow-up to the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2003/101),

1. *Encourages* Governments, regional organizations and intergovernmental and non-governmental organizations to explore further the potential support and contribution to human rights education of all relevant partners, including the private sector, development, trade and financial institutions and the media, and to seek their cooperation in the development of human rights education strategies;

2. *Recommends* that the human rights treaty bodies, when examining reports of States parties, devote attention specifically to human rights education and that human rights education be included in the agenda of the annual meeting of the persons chairing the treaty bodies so that they can make recommendations on how human rights education can contribute to national capacity-building aimed at strengthening national human rights protection mechanisms;

3. *Recommends* that the United Nations High Commissioner for Human Rights, jointly with the United Nations Educational, Scientific and Cultural Organization and in

consultation with all Member States, in accordance with paragraph 21 of Commission resolution 2003/70, encourage Governments to organize meetings, workshops and other activities at the regional and international levels on the achievements and shortcomings of the Decade, to be coordinated by the Office of the High Commissioner;

4. *Requests* the Office of the High Commissioner to make available the study of the High Commissioner on the follow-up to the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2003/101) to the members of the Sub-Commission at its fifty-sixth session in order that they may review the achievements of the Decade and explore the possibilities for further steps to be taken under the Plan of Action of the Decade;

5. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

“The Commission on Human Rights, taking into consideration the report of the High Commissioner for Human Rights on the follow-up to the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2003/101), as well as the recommendations contained in the report of the High Commissioner on the midterm evaluation of the Decade (A/55/360), decides to recommend to the Economic and Social Council that it recommend to the General Assembly the proclamation of a second Decade for Human Rights Education to begin on 1 January 2005.”

*21st meeting  
13 August 2003*

[Adopted without a vote. See chap. VIII.]

## **2003/6. Terrorism and human rights**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations, the International Covenants on Human Rights and other international and regional instruments relating to human rights and international humanitarian law,

*Recalling* the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights, in which the Conference reaffirmed that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

*Recalling also* the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations and the United Nations Millennium Declaration adopted by the General Assembly at its fiftieth and fifty-fifth sessions, respectively,

*Recalling further* General Assembly resolutions 56/160 of 19 December 2001 and 57/219 of 18 December 2002, Security Council resolutions 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, as well as Commission on Human Rights resolutions 2003/37 of 23 April 2003 and 2003/68 of 25 April 2003, and its own resolution 2002/24 of 14 August 2002,

*Regretting* that the negative impact of terrorism, in all its dimensions, on human rights continues to remain alarming despite national and international efforts to combat it,

*Convinced* that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights,

*Bearing in mind* that the most essential and basic human right is the right to life,

*Bearing in mind also* that terrorism creates an environment that destroys the freedom from fear of the people,

*Bearing in mind further* that terrorism in many cases poses a serious challenge to democracy, civil society and the rule of law,

*Reiterating* that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international human rights and humanitarian law,

*Reiterating also* that all measures to counter terrorism must be in strict conformity with international law, including international human rights and humanitarian law standards and obligations,

*Reiterating further* that, in accordance with article 4 of the International Covenant on Civil and Political Rights, certain rights are recognized as non-derogable in any circumstances and that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations,

*Mindful* of the initiatives introduced on the question of human rights and terrorism at the General Assembly and the Commission on Human Rights since the previous session of the Sub-Commission,

*Mindful also* of the complexity of the phenomenon of terrorism and the extraordinary range and quantity of developments at the international, regional and national levels since 11 September 2001,

*Reaffirming* the great importance of the study on terrorism and human rights,

*Having considered* the analytical and well-documented additional progress report [...] prepared by the Special Rapporteur, Ms. Kalliopi Koufa, and having heard her comprehensive introductory statement,

1. *Expresses its deep appreciation and thanks* to the Special Rapporteur, Ms. Kalliopi Koufa for her excellent additional progress report and her introductory statement;
2. *Requests* the Special Rapporteur to continue her work with a view to completing her study on the conceptual aspects of terrorism and human rights and submitting her final report at the fifty-sixth session of the Sub-Commission, taking into consideration the views and



comments made during the discussion of the topic at the Sub-Commission, as well as the replies submitted by the Governments, competent organs and bodies of the United Nations system and intergovernmental and non-governmental organizations;

3. *Also requests* the Special Rapporteur, keeping in mind the importance and the complexity of the study, to continue her direct contacts with the competent services and bodies of the United Nations, in particular those in New York and Vienna, and also requests the Special Rapporteur to visit those Offices as soon as possible in order to update her research, information and data for the completion and finalization of her study;

4. *Requests* the Secretary-General to transmit the additional progress report of the Special Rapporteur to Governments, specialized agencies and concerned intergovernmental and non-governmental organizations with the request that they submit to the Special Rapporteur, as soon as possible, comments, information and data relating to the study of terrorism and human rights;

5. *Also requests* the Secretary-General to make available also to the Special Rapporteur all collected information, including the compilation of studies and publications, on the implications of terrorism for, as well as the effects of the fight against terrorism on, the enjoyment of human rights from all relevant sources;

6. *Requests* Governments, intergovernmental organizations, national institutions for the promotion and protection of human rights, experts, including members of the treaty bodies and special rapporteurs, and non-governmental organizations to provide the Special Rapporteur with all relevant information;

7. *Requests* the Secretary-General to give the Special Rapporteur all the necessary assistance in order to hold consultations with the above-mentioned competent services and bodies of the United Nations system, in particular those located in New York and Vienna, to finalize her study;

8. *Requests* that the additional progress report be translated into the official languages and published as an official document;

9. *Requests* the Office of the High Commissioner for Human Rights to ensure the distribution of the additional progress report and the addenda at the sixtieth session of the Commission on Human Rights;

10. *Requests* the Secretary-General to ensure that the additional progress report and the addenda can be accessed by those seeking information on the Economic and Social Council's activities on the web site "UN action against terrorism";

11. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, taking note of resolution 2003/6 of 13 August 2003 of the Sub-Commission on the Promotion and Protection of Human Rights, approves the Sub-Commission's request to the Secretary-General to give the Special Rapporteur all the assistance necessary for the preparation of her final report, in particular by providing for visits to Vienna and New York in order to hold consultations with the competent services and bodies of the United Nations located there, to finalize her study."

*21st meeting  
13 August 2003*

[Adopted without a vote. See chap. VIII.]

**2003/7. Discrimination against convicted persons  
who have served their sentence**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Noting* that persons convicted of crimes after serving their prison sentences and otherwise fulfilling the terms of their criminal punishment return to civil society,

*Recalling* article 2 of the Universal Declaration of Human Rights stating that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind,

*Noting* article 5 of the Basic Principles for the Treatment of Prisoners, annexed to General Assembly resolution 45/111 of 14 December 1990, which provides that except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants,

*Considering* principle 10 of the Basic Principles, which provides that with the participation and help of the community and social institutions, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions,

*Considering also* article 25 of the International Covenant on Civil and Political Rights, which guarantees every citizen the right and opportunity, without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives, and to vote and be elected at genuine periodic elections,

*Noting* article 4 of the International Covenant on Economic, Social and Cultural Rights, in which States parties recognize that, in the enjoyment of those rights provided by the State in conformity with the Covenant, the State may subject such rights only to such limitations as are determined by law insofar as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society,

*Noting also* the International Convention on the Elimination of All Forms of Racial Discrimination which through its articles 1 and 5 bars distinction that nullifies or impairs political rights, in particular the rights to participate in elections and to vote on the basis of universal and equal suffrage,

*Concerned* that some States permit official and unofficial forms of discrimination to be practised against persons who have served their terms of criminal punishment, such as disenfranchisement and denial of basic economic and social benefits accorded to other persons

such as public housing, opportunities to obtain private housing, public educational benefits, public welfare benefits, employment opportunities and other types of benefits which could help such persons reintegrate successfully into civil society,

*Concerned in particular* that historically discriminatory practices may sometimes lead to disproportionate numbers of the poor and minorities in a criminal justice system, which in turn leads to a cycle of poverty, discrimination and greater marginalization of such persons if they are discriminated against after serving a sentence of imprisonment by virtue of their status as former prisoners,

*Noting* that where minorities are disproportionately represented in prison populations, denial to them of the right to vote results not only in their exclusion as a class from voting in elections, but also may result in the dilution or cancellation of the voting strength of entire racial or ethnic minorities in a given State or political subdivision,

*Noting also* the United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), annexed to General Assembly resolution 45/110 of 14 December 1990, in particular article 12, paragraph 2, which states that the conditions to be observed in non-custodial measures shall be practical, precise and as few as possible, and be aimed at reducing the likelihood of an offender relapsing into criminal behaviour and at increasing the offender's chances of social integration, taking into account the needs of the victim,

*Concerned* that convicted persons who believe that they will be denied employment solely on the basis of their criminal record may be less inclined to improve their job skills while in prison, which can undermine the objectives of rehabilitation and training in the penal system, keeping persons out of prison, avoiding relapses in criminal behaviour and promoting successful, rewarding employment for ex-offenders,

1. *Urges* States to examine their treatment of convicted persons after they have served their punishment and to cease any official or unofficial practices of discrimination against such persons, bearing in mind relevant international human rights standards;

2. *Requests* its sessional working group on the administration of justice to examine this question and to suggest types of information that could be collected in order to understand

better the extent of discrimination against convicted persons who have served their sentences and the relevant international human rights standards which would apply to such situations;

3. *Decides* to continue consideration of this matter under the item of its agenda entitled "Prevention of discrimination".

*21st meeting*  
*13 August 2003*  
[Adopted without a vote. See chap. V.]

**2003/8. Issue of the administration of justice through military tribunals**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its decisions 2001/103 and 2002/103 of 10 August 2001 and 12 August 2002,

*Mindful* of articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights and articles 2, 4, 7, 10, 14, 15 and 26 of the International Covenant on Civil and Political Rights,

*Mindful also* of the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors,

*Noting with appreciation* Commission on Human Rights resolutions 2002/37 of 22 April 2002 and 2003/39 of 23 April 2003,

*Noting also with appreciation* general comment No. 29 on derogations during a state of emergency (article 4 of the Covenant), adopted by the Human Rights Committee on 24 July 2001, and stressing that only a court of law may try and convict a person for a criminal offence,

*Reiterating* that every person is entitled, in full equality, to a fair and public hearing by a competent, independent and impartial tribunal, in the determination of his or her rights and obligations and of any criminal charge against him or her,

*Also reiterating* that everyone has the right to be tried by ordinary courts or tribunals using established legal procedures and that tribunals that do not use such duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals,

*Convinced* that the independence and impartiality of judges should be respected in all circumstances and that the independence and impartiality of the judiciary are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

*Stressing* that the composition, operation and procedures of the military courts should comply with the international standards and rules providing for a fair and just trial,

*Also stressing* the need to develop principles and guidelines on the administration of justice through military tribunals,

1. *Welcomes* the report submitted by Mr. Emmanuel Decaux on the administration of justice through military tribunals and the recommendations contained therein (E/CN.4/Sub.2/2003/4);

2. *Requests* Mr. Decaux to continue his work on the development of principles governing the administration of justice through military tribunals;

3. *Also requests* Mr. Decaux to submit to it, at its fifty-sixth session, an updated report;

4. *Invites* Governments, the relevant United Nations bodies, specialized institutions, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on the issue to Mr. Decaux;

5. *Welcomes* the initiative taken by the International Commission of Jurists to organize a seminar of experts, including military experts, in Geneva in 2003, under the auspices of the Office of the United Nations High Commissioner for Human Rights;

6. *Decides* to continue its consideration of the issue at its fifty-sixth session, under the same agenda item.

*21st meeting*  
*13 August 2003*  
[Adopted without a vote. See chap. V.]

**2003/9. The right to food, and progress in developing international voluntary guidelines for its implementation**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its resolution 2001/7 of 15 August 2001 on the right to food, in which it appealed, through the Commission on Human Rights, to the world's leaders at the World Food Summit: five years later to reaffirm the right of everyone to adequate food and to be free from hunger, to call on States to develop a national strategy to implement progressively the right to food, and to promote the right to food in poverty reduction strategies,

*Recalling* the Declaration adopted by the World Food Summit: five years later in Rome in June 2002, which, in particular, invited the Food and Agriculture Organization of the United Nations to establish an intergovernmental working group to elaborate, in a period of two years, a set of voluntary guidelines to support Member States' efforts to progressively realize the right to adequate food for all,

*Noting with satisfaction* that the Council of the Food and Agriculture Organization established in October 2002 an open-ended intergovernmental working group under the Committee on World Food Security to draw up, with the participation of all stakeholders, voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security, and that the Intergovernmental Working Group held its first session in Rome in March 2003 and plans to hold its second session at the end of September 2003,

*Taking into consideration* that the development of voluntary guidelines for the implementation of the right to adequate food is the first example of intergovernmental voluntary

guidelines being developed for the implementation of a specific economic, social and cultural right and deserves particular attention by all Member States, the relevant international financial institutions and development organizations and civil society,

*Noting with satisfaction* the thorough preparatory work undertaken by the joint Rome-based Ad Hoc Unit of the secretariat of the Food and Agriculture Organization and the Office of the United Nations High Commissioner for Human Rights to facilitate and coordinate the process,

*Recalling* its resolution 2002/10 of 14 August 2002 in which it appealed to all States to support and contribute to the work of the Intergovernmental Working Group, with a view to achieving an inclusive and effective process that can be concluded within the time set by the World Food Summit: five years later,

*Welcoming* recent initiatives in some States to initiate a national dialogue with all stakeholders on the implementation of the right to adequate food, as exemplified by seminars held in 2002 in South Africa, Brazil, Norway, Germany, Uganda, Mali and Sierra Leone and others being planned, that can also contribute directly to the development of the international guidelines,

*Recalling* Commission on Human Rights resolution 2001/25 of 20 April 2001 in which the Commission recommended that the United Nations High Commissioner for Human Rights organize a fourth expert consultation on the right to food, with a focus on this right as part of strategies and policies for the eradication of poverty,

*Welcoming* the report of the Special Rapporteur of the Commission on Human Rights on the right to food (E/CN.4/2003/54),

1. *Appeals* to all States to contribute actively to the work of the Intergovernmental Working Group for the Elaboration of a Set of Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security when it meets next in Rome at the end of September 2003, ensuring that the guidelines are solidly founded in human rights law and practice in addition to commonly agreed standards for



sustainable economic, social and human development; this may warrant stronger involvement of the human rights bodies in Geneva as stakeholders in the process, including considering the holding of a meeting of the intergovernmental working group, or of its bureau, in Geneva;

2. *Renews its call* upon relevant international financial institutions and development organizations to provide the Intergovernmental Working Group with relevant information and ideas that can help in the formulation of meaningful guidelines;

3. *Also renews its call* upon civil society to assist the Intergovernmental Working Group in making the guidelines as relevant as possible, especially by taking into account the voices of the poor;

4. *Urges* Member States to consider holding national seminars with relevant stakeholders to initiate or develop a domestic dialogue on the scope of and conditions for implementing the right to adequate food and to be free from hunger in the particular contexts of their countries, drawing from the experiences and lessons learned in those countries where initial national seminars have been held, and making the results available so as also to contribute to the intergovernmental process for the elaboration of the voluntary guidelines;

5. *Recommends* that the fourth expert consultation on the right to food recommended by the Commission on Human Rights be convened before the third and last session of the Intergovernmental Working Group in 2004, drawing on the findings of the three earlier expert consultations held in Geneva, Rome and Bonn in 1997, 1998 and 2001, respectively, as well as the lessons learned from the national seminars held to that date;

6. *Appeals* to the United Nations High Commissioner for Human Rights to continue to seek, as a matter of priority, funds to enable the fourth expert consultation on the right to food to be held in early 2004 and also appeals to donor countries to express their interest in funding the consultation.

*21st meeting*  
*13 August 2003*  
[Adopted with a vote. See chap. VI.]

## 2003/10. International Criminal Court

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Convinced* that the impunity enjoyed by perpetrators of human rights violations constitutes a fundamental obstacle to the observance of human rights,

*Convinced also* that the ratification of the Statute of the International Criminal Court by the largest number of States will constitute an important guarantee in combating impunity,

*Recalling* its resolution 2002/4 of 12 August 2002 on the establishment of the International Criminal Court,

1. *Welcomes* the establishment of the International Criminal Court, following the election of its judges, women and men representing all continents and all major legal systems, and the appointment of its prosecutor;

2. *Deeply regrets* the fact that the immunity allowed to nationals of States parties or not parties to the Rome Statute who participate in operations established or authorized by the United Nations Security Council for the maintenance or restoration of international peace and security, under the terms of resolution 1422 (2002) of 12 July 2002 of the Security Council, has been extended by resolution 1487 (2003) of 12 June 2003, at the risk of perpetuating a temporary derogation, by misconstruing article 16 of the Rome Statute;

3. *Also regrets* the fact that, in its resolution 1497 (2003) of 1 August 2003 on the conflict in Liberia, the Security Council has decided that current or former officials or personnel from a contributing State which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to the multinational force or United Nations stabilization force in Liberia, unless such exclusive jurisdiction has been expressly waived by that contributing State;

4. *Considers* as unacceptable the increasing pressure which is being exerted, both at the multilateral and bilateral levels, to hinder implementation of the Statute of the International Criminal Court and recalls that States must observe the principles of the Statute;

5. *Urges* all States to ratify the Rome Statute as soon as possible and to ensure its full implementation;
6. *Decides* to continue consideration of this question at its fifty-sixth session.

*22nd meeting  
13 August 2003*

[Adopted without a vote. See chap. VII.]

**2003/11. Transfers of persons with particular reference  
to the death penalty**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Reaffirming* the development towards the abolition of the death penalty generally, as reflected in article 6, paragraph 2, of the International Covenant on Civil and Political Rights and in the Second Optional Protocol thereto, aiming at the abolition of the death penalty, Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty, article 4, paragraphs 2 and 3, of the American Convention on Human Rights and the Protocol to the American Convention on Human Rights to Abolish the Death Penalty,

*Recalling* Commission on Human Rights resolutions 1998/8 of 3 April 1998, 1999/61 of 28 April 1999, 2000/65 of 26 April 2000 and 2001/68 of 25 April 2001, in which the Commission expressed the conviction that abolition of the death penalty contributed to the enhancement of human dignity and to the progressive development of human rights,

*Recalling also* Commission on Human Rights resolutions 2002/77 of 25 April 2002 and 2003/67 of 24 April 2003, in which the Commission requested that States reserve explicitly the right to refuse extradition upon a request for extradition on a capital charge in the absence of effective assurances from relevant authorities of the requesting State that capital punishment will not be carried out,

*Recalling further* the recommendations of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions (E/CN.4/2002/74) Chap. VII in relation to the failures to comply with the safeguards and guarantees for the protection of persons facing death penalty,

*Noting* that the death penalty is often imposed after trials which do not conform to international standards of fairness and that members of racial, national or ethnic minorities appear to be disproportionately subject to the death penalty,

*Welcoming* the tendency in retentionist States to restrict the number of crimes carrying a possible death sentence,

*Welcoming also* the fact that many countries, whilst retaining the death penalty in their penal legislation, are applying a moratorium on executions,

*Recalling* the view of the Commission on Human Rights that the death penalty should not be imposed on or carried out against a person suffering from any form of mental disorder,

*Recalling also* the prohibition of the imposition of the death penalty in international law on those aged under 18 at the time of the commission of the offence,

*Deeply concerned* that several countries transfer persons to States which still have the death penalty, often outside the context of extradition,

1. *Reminds* all States of their obligation not to transfer persons, whether by way of extradition or otherwise, to the jurisdiction of States where the person transferred may be subject to torture or inhuman treatment, including protracted detention on death row;

2. *Reminds* those States which have abolished or suspended the use of the death penalty that they may refuse to transfer persons, whether by way of extradition or otherwise, to the jurisdiction of States which still use the death penalty;

3. *Urges* all States:

(a) Not to transfer persons to the jurisdiction of States which still use the death penalty unless there is a guarantee that the death penalty will be neither sought nor applied in the particular case;

(b) Not to transfer persons to the jurisdiction of States where the person transferred may be held without trial or subject to an unfair trial;

(c) To ensure that no person is transferred to the jurisdiction of another State outside the context of extradition;

(d) To ensure that all persons have the effective possibility of challenging any proposed transfer to the jurisdiction of another State before its courts;

4. *Urges* constituent units of federal States which do not use the death penalty not to transfer persons to a constituent unit of the same State that still maintains the death penalty;

5. *Reminds* all States which refuse to transfer a person to the authorities of another State on one of the grounds indicated above that, where a person is suspected of having committed an international crime, that is to say, an offence in relation to which any State may exercise jurisdiction, they must ensure that:

(a) Their national courts have the jurisdiction to try such suspects;

(b) International crimes are treated as crimes in national law;

(c) They do in fact prosecute such suspects, to which end any other State must provide such cooperation as is necessary and compatible with human rights law; and

(d) The sentences imposed on those convicted are commensurate with the gravity of the offence;

nothing in this resolution precludes the possibility of transfer to the jurisdiction of the International Criminal Court;

6. *Decides* to continue consideration of this matter at its fifty-sixth session under the same agenda item.

22nd meeting  
13 August 2003  
[Adopted without a vote. See chap. V.]

**2003/12. Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Noting* the drafting by the Committee on Economic, Social and Cultural Rights of a general comment on article 3 of the International Covenant on Economic, Social and Cultural Rights, setting out that States parties to the Covenant should undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant,

*Acknowledging* the need to develop further understanding of the scope, content and implications of article 2, paragraph 2, of the Covenant containing the general principle of non-discrimination, which states that the States parties to the Covenant undertake to guarantee that the rights enunciated in the Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recalling* its decision 1997/112 of 27 August 1997 on the criteria for new studies and its resolutions 2001/23 of 16 August 2001 and 2002/9 of 14 August 2002 in which it decided to entrust Mr. Fried van Hoof with the preparation, without financial implications, of a working paper on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, taking into account other relevant studies of the Sub-Commission, to be submitted under the agenda item entitled “Economic, social and cultural rights”,

*Taking into account* Mr. van Hoof’s illness and subsequent inability to complete a working paper on non-discrimination as enshrined in article 2, paragraph 2, of the Covenant,

*Requests* Mr. Emmanuel Decaux to prepare, without financial implications, a working paper on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, taking into account other relevant studies of the Sub-Commission, to be submitted under the agenda item entitled “Economic, social and cultural rights”, in order to enable it to take a decision at its fifty-sixth session on the feasibility of a study on that subject.

*22nd meeting  
13 August 2003*

[Adopted without a vote. See chap. VI.]

**2003/13. Implementation of existing human rights norms and standards in the context of the fight against extreme poverty**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* that, in accordance with the Universal Declaration of Human Rights, the international covenants on human rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights,

*Recalling* in particular that article 25 of the Universal Declaration of Human Rights stipulates that everyone has the right to a standard of living adequate for the health and well-being of him/herself and of his/her family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his/her control,

*Recalling* that the General Assembly, in its resolution 57/211 of 18 December 2002, reaffirmed (a) that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them; (b) that it is essential for States to foster participation by the poorest people in

the decision-making process in the societies in which they live, in the promotion of human rights, and in efforts to combat extreme poverty; and (c) that appropriate attention must continue to be given to the links between human rights and extreme poverty,

*Recalling* the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, reaffirmed during the twenty-fourth special session of the General Assembly on the follow-up to the World Summit, held in Geneva in June 2000, which provide the substantive framework for eradicating poverty by setting specific targets, drawing up plans and implementing programmes,

*Mindful* that in its resolution 2001/31 of 23 April 2001 the Commission also requested the Sub-Commission to consider the need to develop, on the basis of the various relevant international instruments, the ongoing work in other forums, the conclusions and recommendations of the Expert Seminar on Human Rights and Extreme Poverty organized in accordance with Commission resolution 2000/12 of 17 April 2000 and any other relevant inputs, in particular those received from Governments, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty, and to report to the Commission at its fifty-ninth session,

*Recalling also* with satisfaction Commission resolution 2003/24 of 22 April 2003, in which the Commission expressed itself deeply concerned that extreme poverty continued to spread in all countries of the world, regardless of their economic, social and cultural situation, and said it was essential for States to foster participation by the poorest people in the decision-making process in the societies in which they lived and in the realization of human rights,

*Aware* that, in its resolution 2003/24, the Commission encouraged the ad hoc working group of the Sub-Commission established to prepare a study to contribute to the drafting of an international declaration on extreme poverty and human rights to adopt an approach to human rights and extreme poverty based on the universality, indivisibility, interdependence and interrelation of all human rights,



*Recalling* its own resolutions 1999/15 on women and the right to development and 1996/23 on human rights and extreme poverty, resolution 1996/22 and decision 1998/105 on the right to development and the follow-up thereto contained in resolution 1999/9,

*Mindful* of the definition of extreme poverty given in the final report on human rights and extreme poverty submitted by the Special Rapporteur, Mr. Leandro Despouy (E/CN.4/Sub.2/1996/13, annex III), which underscores both the similarity and the difference between situations of poverty and extreme poverty, both appearing to be due to similar phenomena varying essentially in number, extent and duration,

*Taking note* of the reports by the independent expert, Ms. Anne-Marie Lizin, on human rights and extreme poverty (E/CN.4/1999/48, E/CN.4/2000/52, E/CN.4/2001/54 and Corr.1, E/CN.4/2002/55, E/CN.4/2003/52), in particular her suggestions for bringing together people in extreme poverty and those working beside them on policy implementation, and her recommendation of yearly round tables bringing together all parties concerned,

*Recalling* the report of the Secretary-General (E/CN.4/Sub.2/2000/14 and Add.1) on promoting the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006), submitted in accordance with Sub-Commission resolution 1999/9,

*Noting with interest* the Draft Guidelines: a Human Rights Approach to Poverty Reduction Strategies, prepared by the Office of the United Nations High Commissioner for Human Rights,

*Bearing in mind* the importance of international programmes against poverty in a human rights setting of the United Nations Educational, Scientific and Cultural Organization, the new poverty agenda indicated by the International Monetary Fund and other international agencies, the projects and policies of the World Bank and other international financial bodies, and other relevant declarations and international programmes,

*Bearing in mind also* that the fight against poverty is one of the agreed international development goals and the importance of placing the issue at the centre of discussions in the Sub-Commission's Social Forum,

*Aware* of the need to apply human rights norms and standards in the context of the fight against extreme poverty,

1. *Reaffirms* that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and might, in some situations, constitute a threat to the right to life, and that its immediate alleviation and eventual eradication must remain a high priority for the international community;

2. *Re-emphasizes* that extreme poverty is a major issue to be addressed by Governments, civil society organizations and the organs and agencies of the United Nations system, including international trade and financial institutions, and in this context reaffirms that political commitment is a prerequisite for the eradication of extreme poverty;

3. *Requests* Ms. Iulia-Antoanelle Motoc, Mr. Emmanuel Decaux, Mr. Yozo Yokota, Mr. El-Hadji Guissé and Mr. José Bengoa, with Mr. Bengoa as coordinator, to prepare, without financial implications, a joint working paper in three stages; submitting a progress report at the fifty-sixth session and a final report at the fifty-seventh session, on the need to develop, on the basis of the various relevant international instruments, the ongoing work in other forums, the conclusions and recommendations of the Expert Seminar on Human Rights and Extreme Poverty and any other relevant inputs, in particular those received from Governments, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty;

4. *Requests* the authors to work with a view to the creation of a specific instrument that does not overlap with existing treaties such as the Slavery Convention or the International Convention on the Suppression and Punishment of the Crime of Apartheid;

5. *Also requests* the authors to address extreme poverty specifically, in accordance with the terms of reference given to them by the Commission in its resolutions 2001/31 and 2003/24, as a violation of human dignity and all human rights, civil and political as well as economic, social and cultural;

6. *Approves* the underlying principles of a conceptual framework set out in document E/CN.4/Sub.2/2003/17, in particular the argument that a rights-based approach compels policy-makers to focus on the most vulnerable and disadvantaged, those who are often excluded by “average progress”;

7. *Requests* Governments to cooperate with this research by providing information, resources and invitations to the experts to visit their countries to examine programmes and experiences concerning the eradication of poverty;

8. *Requests* the authors to consider specifically the situations of poverty in various parts of the world in the light of international jurisprudence, treaties, covenants and other relevant instruments with a view to putting an end to extreme poverty and social exclusion, and to consider the policies of the World Bank, the World Trade Organization, the International Monetary Fund and other international bodies for fighting poverty;

9. *Also requests* the authors to present conclusions and recommendations in order to contribute to work on the draft declaration on extreme poverty and human rights and other international and regional initiatives;

10. *Encourages* the authors to adopt an operational approach to extreme poverty based on the principle of justiciability of rights and the need to give States clear obligations and objectives, assigning all countries collective responsibility for combating extreme poverty all over the world;

11. *Requests* the authors to favour an approach towards extreme poverty which strengthens bonds of solidarity and social inclusion mechanisms, giving the very poorest people the capability to exercise all their rights and enjoy respect for their human dignity;

12. *Encourages* the establishment, with input from the various parties and population groups concerned, of a range of indicators for keeping track of situations of extreme poverty, the related needs and changes in them;

13. *Invites* non-governmental organizations to contribute to the study by making their experience, practical knowledge and support available to the Sub-Commission’s working group;

14. *Invites* the secretariat to assist in the preparation of the study, the seminars and other activities suggested in the programme of work;

15. *Requests* Governments to provide data, including statistics and information on the legal, economic or other measures they have taken to address the issue of poverty;

16. *Requests* regional specialized bodies in Asia, Africa, Europe and Latin America and international agencies such as the United Nations Conference on Trade and Development, the United Nations Development Programme and the United Nations Educational, Scientific and Cultural Organization to collaborate and provide information for the study.

*22nd meeting*

*13 August 2003*

[Adopted without a vote. See Chap. VI.]

#### **2003/14. The Social Forum**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* the Universal Declaration of Human Rights and the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

*Recalling also* the reports and studies on the realization of economic, social and cultural rights submitted by several special rapporteurs to the Sub-Commission and the Commission on Human Rights, in particular those submitted by Mr. Danilo Türk, Mr. Asbjørn Eide, Mr. Mustapha Mehedi, Mr. Leandro Despouy, Mr. El-Hadji Guissé, Mr. Joseph Oloka-Onyango, Ms. Deepika Udagama, Mr. David Weissbrodt and Mr. José Bengoa,

*Recalling further* Commission on Human Rights resolution 1999/53 of 27 April 1999 and decision 2000/107 of 26 April 2000, and Sub-Commission resolutions 1999/10 of 25 August 1999, 2000/6 of 17 August 2000, 2001/24 of 16 August 2001 and 2002/12 of 14 August 2002 on the establishment of a forum for economic, social and cultural rights, to be called the Social Forum,

*Welcoming* Commission on Human Rights decision 2001/103 of 25 April 2001 authorizing the Sub-Commission to hold the Social Forum during its fifty-third session and decision 2003/107 of 22 April 2003 to recommend to the Economic and Social Council that it authorize the Sub-Commission to convene an annual intersessional forum on economic, social and cultural rights, to be known as the “Social Forum”, for two days on dates that would permit the possible participation of 10 members of the Sub-Commission, to be appointed by the regional groups of the Sub-Commission, and that the Council also authorize the provision of all the necessary facilities for the preparation and servicing of the event, and of Council resolution 2003/... of 23 July 2003,

*Recalling* the holding of the preparatory panel meeting on the Social Forum during the fifty-third and the first meeting before the fifty-fourth session of the Sub-Commission, in which the participants unanimously recognized the need for a new process/mechanism within the United Nations system with broad participation, reflecting the current structure of international society,

*Considering* the new challenges of globalization, of the changes in the international order and of the emergence of new actors in the international, regional and national economic and financial areas,

*Considering* the need to listen to the most vulnerable and their advocates and to ensure a meaningful and effective participation of those who are not heard, and to have a constructive dialogue with officials of international institutions and governmental representatives,

*Bearing in mind* that poverty reduction remains an ethical and moral imperative of humankind, based on respect for human dignity, and especially rural poverty, and noting that the Secretary-General, in his statement to the Council on 30 June 2003, during its high-level segment, said that rural development was rightly the theme of the segment as three quarters of the world’s poorest people, defined as those living on 1 dollar or less per day, lived in rural areas and that some 900 million of them drew their meagre livelihoods from agriculture and other rural activities,

*Taking into account* that a human rights perspective is necessary for the fight against poverty, and especially the rights of the rural population, peasants, and pastoralist and fishing communities,

1. *Expresses its satisfaction* at Commission on Human Rights decision 2003/107 of 22 April 2003 and Economic and Social Council decision 2003/... of 23 July 2003 authorizing the convening of an annual intersessional Social Forum;

2. *Reiterates* its decision that the Social Forum shall meet every year with the following mandate:

(a) To exchange information on the enjoyment of economic, social and cultural rights and their relationship with the processes of globalization;

(b) To monitor situations of poverty and destitution throughout the world, bearing in mind that they amount to complete and permanent denial of human rights;

(c) To propose standards and initiatives of a juridical nature, guidelines and other recommendations for consideration by the Commission on Human Rights, the Working Group on the Right to Development, the Committee on Economic, Social and Cultural Rights, the specialized agencies and other organs of the United Nations system;

(d) To monitor the agreements reached at the major world conferences and the Millennium Summit, and to make contributions to forthcoming major international events and discussion of issues related to the mandate of the Social Forum;

3. *Recommends* that the Social Forum address the following themes, inter alia:

(a) The interaction between civil, political, economic, social and cultural rights;

(b) The relationship between poverty, extreme poverty and human rights in a globalized world;

(c) The effect of international trade, finance and economic policies on income distribution, and the corresponding consequences for equality and non-discrimination at the national and international levels;

(d) Analysis of international decisions affecting basic resources for the population, and in particular those affecting enjoyment of the right to food, the right to education, the right to the highest attainable standard of physical and mental health, the right to adequate housing and the right to an adequate standard of living;

(e) Analysis of the impact of international trade, finance and economic policies on vulnerable groups, especially minorities, indigenous peoples, migrants, refugees and internally displaced persons, women, children, older persons, people living with HIV/AIDS, people with disabilities and other social sectors affected by such measures;

(f) The impact of public and private, multilateral and bilateral international development cooperation on the realization of economic, social and cultural rights;

(g) Follow-up of agreements reached at world conferences and international summits, particularly the Copenhagen World Summit for Social Development, and in other international bodies, concerning the link between economic, commercial and financial issues and the full realization of human rights, including economic, social and cultural rights;

(h) Social and economic indicators and their role in the realization of economic, social and cultural rights;

4. *Decides* that the next intersessional meeting of the Social Forum will be held in Geneva on 20 and 21 May 2004 and have as its theme “Rural poverty, development and the rights of peasants and other rural communities”;

5. *Requests* Mr. José Bengoa to prepare a working paper on rural poverty, rural development and the rights of peasant and other rural communities, and other related matters for the next Social Forum and to coordinate with the Secretary-General for the preparation of this meeting;

6. *Decides* to extend an invitation to participate in the Social Forum to non-governmental organizations in consultative status with the Economic and Social Council and other non-governmental organizations outside Geneva, and in particular newly emerging actors, such as smaller groups and rural associations of the South, grass-roots organizations, peasant and

farmers' organizations and their national and international associations, pastoralist associations, fishermen's/women's organizations, voluntary organizations, youth associations, community organizations, trade unions and associations of workers, representatives of the private sector, United Nations agencies, the relevant functional commissions of the Economic and Social Council, the regional economic commissions, international financial institutions and development agencies;

7. *Invites* United Nations bodies and specialized agencies, the relevant functional commissions of the Economic and Social Council, the regional economic commissions, the international financial institutions, the Committee on Economic, Social and Cultural Rights, special rapporteurs and independent experts, non-governmental organizations, scholars, trade unions and associations of workers to participate in and to submit studies to the Social Forum;

8. *Invites* Governments to participate in the Social Forum with delegations composed of specialists in rural policies, social planning and, in particular, international cooperation programmes;

9. *Requests* the Office of the United Nations High Commissioner for Human Rights to seek effective means of ensuring consultation, including electronic consultation, with the organizations of the most vulnerable on the theme selected for the Social Forum, especially videoconferences during March and April 2004, to prepare for the meeting;

10. *Invites* the Social Forum to submit to the Sub-Commission at its fifty-sixth session a separate report, containing a comprehensive and detailed summary of the discussions;

11. *Also invites* the Social Forum to submit recommendations, including draft resolutions, to the Sub-Commission at its fifty-sixth session;

12. *Invites* the Commission on Human Rights to consider the establishment of a voluntary fund to facilitate the participation of grass-roots groups and similar disadvantaged organizations in the Social Forum;



13. *Requests* the Secretary-General to adopt the appropriate measures to disseminate information about the Social Forum, invite the relevant individuals and organizations to the Social Forum, prepare the two videoconferences before the Social Forum, and take all practical measures required for the success of this initiative.

*22nd meeting  
13 August 2003*

[Adopted without a vote. See chap. VI.]

**2003/15. Effects of measures to combat terrorism  
on the enjoyment of human rights**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided* by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the International Covenants on Human Rights and other international and regional instruments, relating to human rights and international humanitarian law,

*Reaffirming* its condemnation of the heinous acts of terrorism that caused enormous loss of human life, destruction and damage in the cities of New York, host city of the United Nations, and Washington, D.C., and in Pennsylvania, which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001, 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001,

*Reaffirming also* that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international humanitarian law,

*Reaffirming further* that all measures to counter terrorism must be in strict conformity with international law, including international human rights standards and obligations,

*Noting with great concern* that some measures adopted after 11 September 2001 at the national, regional and international levels have a harmful impact on the exercise of human rights and fundamental freedoms,

*Alarmed in particular* at the establishment of military courts whose rules derogate flagrantly from the intangible standards relating to the right to liberty and security, as well as the right to a fair trial,

*Concerned* at the existence of discriminatory laws and practices in the administration of justice, directed, in particular, against non-citizens,

*Concerned also* at the rise in racism and xenophobia following the attacks of 11 September and at the measures adopted by States concerning non-citizens and asylum-seekers, in particular the derogations from the principle of non-refoulement of asylum-seekers,

*Deploring* that the legitimate measures taken by States to combat terrorism has, in some cases, served as a pretext for infringing the right to liberty and security, freedom of movement, the right to a fair trial, the right to privacy and family life, freedom of expression and the rights to freedom of religion, assembly and association, and deploring, in particular, the measures taken against human rights defenders, unionists, political opponents and journalists,

*Bearing in mind* the fundamental principle according to which any restriction on the exercise of human rights and fundamental freedoms must be provided for by law and be necessary, in a democratic society, for the pursuit of a legitimate aim, and not undermine the substance of the right considered,

*Recalling*, moreover, that derogations from human rights and fundamental freedoms must strictly respect the criteria set forth in article 4 of the International Covenant on Civil and Political Rights, as interpreted by the United Nations Human Rights Committee in its general comment No. 29 of 24 July 2001 (CCPR/C/21/Rev.1/Add.11),

*Bearing in mind* the important studies submitted this year to the Sub-Commission, particularly on terrorism and human rights, and also on the rights of non-citizens

(E/CN.4/Sub.2/2003/23 and Add.1-4), on the issue of the administration of justice by military tribunals (E/CN.4/Sub.2/2003/4) and on discrimination in the criminal justice system (E/CN.4/Sub.2/2003/3),

*Noting* that nothing in the present resolution should be interpreted as limiting in any way any action that may be taken by the United Nations High Commissioner for Human Rights in the field of State measures to counter terrorism,

*Welcoming* the publication of the Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights While Countering Terrorism,

1. *Strongly condemns* all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;
2. *Recalls* that States must ensure that all measures adopted to combat terrorism comply with their obligations under international human rights law, international refugee law and international humanitarian law;
3. *Emphasizes* that States have the obligation, under international law, to protect all persons within their jurisdiction against terrorist acts, and to pursue and punish their perpetrators, in full respect of international human rights standards;
4. *Notes* that several important studies submitted this year to the Sub-Commission address, from different standpoints, the problem of respect for human rights in the fight against terrorism;
5. *Decides*, with a view to rationalizing the work of the Sub-Commission on the subject, to rename the existing sub-item 6 (c) “New priorities, in particular terrorism and counter-terrorism” to study the compatibility of counter-terrorism measures, both legislation and other activities adopted at the national, regional and international levels, particularly those adopted after 11 September 2001, with international human rights standards, giving particular attention to their impact on the most vulnerable groups, with a view to elaborating detailed guidelines;

6. *Also decides* to appoint Ms. K. Koufa as coordinator, with a mandate to gather the necessary documentation for the effective work of the Sub-Commission;

7. *Requests* Governments, intergovernmental organizations, national institutions for the protection and promotion of human rights, experts and non-governmental organizations to provide the coordinator and the Sub-Commission with all pertinent and precise information in this respect.

*22nd meeting  
13 August 2003*

[Adopted without a vote. See chap. IV.]

**2003/16. Responsibilities of transnational corporations and other  
business enterprises with regard to human rights**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its resolution 1998/8 of 20 August 1998 which established, for a three-year period, a sessional working group of the Sub-Commission, composed of five of its members, to examine the working methods and activities of transnational corporations on the basis of the background document (E/CN.4/Sub.2/1995/11), the report (E/CN.4/Sub.2/1996/12 and Corr.1) submitted by the Secretary-General in accordance with its resolution 1995/31 of 24 August 1995 and the background document (E/CN.4/Sub.2/1998/6) prepared by Mr. El-Hadji Guissé in accordance with its resolution 1997/11 concerning transnational corporations,

*Recalling also* its resolution 2001/3 of 15 August 2001 in which it decided to extend the mandate of the working group for another three-year period,

*Recalling further* its resolution 2002/8 of 14 August 2002 in which it invited the working group to continue working on the draft Norms and Commentary on the responsibilities of transnational corporations and other business enterprises with regard to human rights so that they could be broadly disseminated and submitted by the working group to the Sub-Commission at its fifty-fifth session, and noting that the Commentary may serve as a reference for the practical interpretation of the Norms,

*Noting* that the working group agreed by consensus upon and submitted to the Sub-Commission the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights (E/CN.4/Sub.2/2003/12/Rev.2) which take into account comments received during the past four years, including at this year's sessions of the working group and Sub-Commission,

*Recognizing* that the Norms, as explicated by the Commentary (E/CN.4/Sub.2/2003/38/Rev.2), reflect most of the current trends in the field of international law, and particularly international human rights law, with regard to the activities of transnational corporations and other business enterprises,

*Aware* that the Norms provide for several basic measures of implementation and that the Commentary sets forth a number of other procedures for implementing the Norms,

1. *Approves* the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights submitted by the working group (E/CN.4/Sub.2/2003/12/Rev.2);
2. *Decides* to transmit to the Commission on Human Rights the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights for consideration and adoption by the Commission;
3. *Recommends* that the Commission on Human Rights invite Governments, United Nations bodies, specialized agencies, non-governmental organizations and other interested parties to submit to it at its sixty-first session and to the Sub-Commission at its fifty-seventh session comments on the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights and its Commentary;
4. *Also recommends* that after having received comments from Governments, United Nations bodies, specialized agencies, non-governmental organizations and other interested parties, the Commission on Human Rights consider establishing an open-ended working group to review the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights and its Commentary;

5. *Requests* the working group on the working methods and activities of transnational corporations to receive information from Governments, non-governmental organizations, business enterprises, individuals, groups of individuals and other sources concerning the possible negative impact of the activities of transnational corporations and other business enterprises on human rights, and particularly affecting implementation of the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights, and to invite the transnational corporations or other business enterprises concerned to provide any comments they may wish within a reasonable time;

6. *Also requests* the working group to study the information submitted and to transmit its comments and recommendations to the appropriate transnational corporations or other business enterprises, Governments and relevant non-governmental organizations or other sources of information;

7. *Recommends* that the working group continue its discussions in accordance with its mandate under resolutions 1998/8 of 20 August 1998 and 2001/3 of 15 August 2001 and, in particular, that it pursue its efforts to explore possible mechanisms for implementing the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights, such as the continuation by Mr. El-Hadji Guissé of his work on the impact of the activities of transnational corporations on economic, social and cultural rights, as part of its future work;

8. *Requests* the Secretary-General to provide the working group with whatever services it requires to complete its tasks;

9. *Requests* the Working Group on Indigenous Populations to gather the views of indigenous peoples and indigenous organizations and communities as well as other interested parties to supplement the Commentary on the Norms and/or to draft a new set of principles which would include further references to indigenous concerns and rights with regard to transnational corporations and other business enterprises;

10. *Decides* to continue consideration of this matter at its fifty-sixth session under the relevant agenda item.

*22nd meeting*  
*13 August 2003*  
[Adopted without a vote. See chap. VI.]

### **2003/17. Prohibition of forced evictions**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* Commission on Human Rights resolution 1993/77 of 10 March 1993 and the analytical report on forced evictions submitted by the Secretary-General (E/CN.4/1994/20) to the Commission at its fiftieth session,

*Recalling also* its resolutions 1991/12 of 26 August 1991, 1992/14 of 27 August 1992, 1993/41 of 26 August 1993, 1994/39 of 26 August 1994, 1995/29 of 24 August 1995, 1996/27 of 29 August 1996, 1997/6 of 22 August 1997 and 1998/9 of 20 August 1998,

*Reaffirming* that every woman, man and child has the right to a secure place to live in peace and dignity, which includes the right not to be evicted unlawfully, arbitrarily or on a discriminatory basis from one's home, land or community,

*Recognizing* that the often violent practice of forced eviction involves the coerced and involuntary removal of persons, families and groups from their homes, lands and communities, whether or not deemed legal under prevailing systems of law, resulting in greater homelessness and inadequate housing and living conditions,

*Emphasizing* that ultimate legal and political responsibility for preventing forced evictions rests with Governments,

*Recalling*, however, that general comment No. 2 (1990) on international technical assistance measures, adopted by the Committee on Economic, Social and Cultural Rights at its fourth session, states, *inter alia*, that international agencies should scrupulously avoid involvement in projects which involve, among other things, large-scale evictions or

displacement of persons without the provision of all appropriate protection and compensation (E/1990/23, annex III, para. 6), and general comment No. 4 (1991) in which the Committee considered that instances of forced eviction were, *prima facie*, incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law (E/1992/23, annex III, para. 18),

*Noting with interest* the recent case law of the European Court of Human Rights, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights regarding the prohibition of forced eviction,

*Recalling* the adoption of general comment No. 7 (1997) on forced evictions by the Committee on Economic, Social and Cultural Rights (E/1998/22, annex IV), in which the Committee recognized, *inter alia*, that women, children, youth, older persons, indigenous people, ethnic and other minorities, and other marginalized or vulnerable groups all suffer disproportionately from the practice of force eviction, and that women in all groups are disproportionately affected, given the extent of statutory and other forms of discrimination which often apply in relation to the property rights of women, including home ownership and rights of access to property or accommodation, and given the particular vulnerability of women to acts of gender-based violence and sexual abuse when they are rendered homeless,

*Noting also* the provisions on forced evictions contained in the Habitat Agenda (A/CONF.165/14), adopted by the second United Nations Conference on Human Settlements (Habitat II) convened in June 1996,

1. *Reaffirms* that the practice of forced eviction constitutes a gross violation of a broad range of human rights, in particular the right to adequate housing, the right to remain, the right to freedom of movement, the right to privacy, the right to property, the right to an adequate standard of living, the right to security of the home, the right to security of the person, the right to security of tenure and the right to equality of treatment;

2. *Strongly urges* Governments to undertake immediately measures, at all levels, aimed at eliminating the practice of forced evictions by, *inter alia*, repealing existing plans



involving forced evictions as well as any legislation allowing for forced evictions and by adopting and implementing legislation ensuring the right to security of tenure for all residents;

3. *Also strongly urges* Governments to protect all persons who are currently threatened with forced eviction, and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;

4. *Recommends* that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups and consistent with their wishes, rights and needs, and recognizing the obligation to ensure such provision in the event of any forced eviction;

5. *Recommends* that all Governments ensure that any eviction that is otherwise deemed lawful is carried out in a manner which does not violate any of the human rights of those evicted;

6. *Reminds* all international financial, trade, development and other related institutions and agencies, including member or donor States that have voting rights within such bodies, to take fully into account the views contained in the present resolution and the obligations under international human rights and humanitarian law on the practice of forced eviction;

7. *Requests* the United Nations High Commissioner for Human Rights to give due attention to the practice of forced eviction in discharging his responsibilities and to undertake measures, whenever possible, to persuade Governments to comply with relevant international standards, to prevent planned forced evictions from taking place and to ensure the provision of restitution or just and fair compensation, as the case may warrant, when forced evictions have already occurred;

8. *Welcomes* the report of the expert seminar on the practice of forced evictions convened from 11 to 13 June 1997 and the comprehensive human rights guidelines on development-based displacement adopted by the expert seminar (E/CN.4/Sub.2/1997/7);

9. *Again urges* the Commission to invite all States to consider the comprehensive human rights guidelines on development-based displacement as contained in document E/CN.4/Sub.2/1997/7, with a view to approving the guidelines in their present form at its sixty-first session;

10. *Decides* to consider the issue of forced evictions at its fifty-sixth session under the agenda item entitled "Economic, social and cultural rights";

11. *Recommends* the following draft resolution for adoption by the Commission on Human Rights at its sixtieth session:

*"The Commission on Human Rights,*

*"Recalling* its 1993/77 of 10 March 1993 and the analytical report on forced evictions submitted by the Secretary-General (E/CN.4/1994/20) to the Commission at its fiftieth session,

*"Recalling also* Sub-Commission on the Promotion and Protection of Human Rights resolutions 1991/12 of 26 August 1991, 1992/14 of 27 August 1992, 1993/41 of 26 August 1993, 1994/39 of 26 August 1994, 1995/29 of 24 August 1995, 1996/27 of 29 August 1996, 1997/6 of 22 August 1997 and 1998/9 of 20 August 1998,

*"Reaffirming* that every woman, man and child has the right to a secure place to live in peace and dignity, which includes the right not to be evicted unlawfully, arbitrarily or on a discriminatory basis from one's home, land or community,

*"Recognizing* that the often violent practice of forced eviction involves the coerced and involuntary removal of persons, families and groups from their homes, lands and communities, whether or not deemed legal under prevailing systems of law, resulting in greater homelessness and inadequate housing and living conditions,

*“Emphasizing* that ultimate legal and political responsibility for preventing forced evictions rests with Governments,

*“Recalling*, however, that general comment No. 2 (1990) on international technical assistance measures, adopted by the Committee on Economic, Social and Cultural Rights at its fourth session, states, inter alia, that international agencies should scrupulously avoid involvement in projects which involve, among other things, large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation (E/1990/23, annex III, para. 6), and general comment No. 4 (1991) in which the Committee considered that instances of forced eviction were, prima facie, incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law (E/1992/23, annex III, para. 18),

*“Noting with interest* the recent case law of the European Court of Human Rights, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples’ Rights regarding the prohibition of forced eviction,

*“Recalling* the adoption of general comment No. 7 (1997) on forced evictions by the Committee on Economic, Social and Cultural Rights (E/1998/22, annex IV), in which the Committee recognized, inter alia, that women, children, youth, older persons, indigenous people, ethnic and other minorities, and other marginalized or vulnerable groups all suffer disproportionately from the practice of force eviction, and that women in all groups are disproportionately affected, given the extent of statutory and other forms of discrimination which often apply in relation to the property rights of women, including home ownership and rights of access to property of accommodation, and given the particular vulnerability of women to acts of gender-based violence and sexual abuse when they are rendered homeless,

*“Noting also* the provisions on forced evictions contained in the Habitat Agenda (A/CONF.165/14), adopted by the second United Nations Conference on Human Settlements (Habitat II) convened in June 1996,

“1. *Reaffirms* that the practice of forced eviction constitutes a gross violation of a broad range of human rights, in particular the right to adequate housing, the right to remain, the right to freedom of movement, the right to privacy, the right to property, the right to an adequate standard of living, the right to security of the home, the right to security of the person, the right to security of tenure and the right to equality of treatment;

“2. *Strongly urges* Governments to undertake immediately measures, at all levels, aimed at eliminating the practice of forced evictions by, inter alia, repealing existing plans involving forced evictions as well as any legislation allowing for forced evictions and by adopting and implementing legislation ensuring the right to security of tenure for all residents;

“3. *Also strongly urges* Governments to protect all persons who are currently threatened with forced eviction, and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;

“4. *Recommends* that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups and consistent with their wishes, rights and needs, and recognizing the obligation to ensure such provision in the event of any forced eviction;

“5. *Recommends* that all Governments ensure that any eviction that is otherwise deemed lawful is carried out in a manner which does not violate any of the human rights of those evicted;

“6. *Reminds* all international financial, trade, development and other related institutions and agencies, including member or donor States that have voting rights within such bodies, to take fully into account the views contained in the present resolution and the obligations under international human rights and humanitarian law on the practice of forced eviction;

“7. *Requests* the United Nations High Commissioner for Human Rights to give due attention to the practice of forced eviction in discharging his responsibilities and to undertake measures, whenever possible, to persuade Governments to comply with relevant international standards, to prevent planned forced evictions from taking place and to ensure the provision of restitution or just and fair compensation, as the case may warrant, when forced evictions have already occurred;

“8. *Welcomes* the report of the expert seminar on the practice of forced evictions convened from 11 to 13 June 1997 and the comprehensive human rights guidelines on development-based displacement adopted by the expert seminar (E/CN.4/Sub.2/1997/7);

“9. *Invites* all States to consider the comprehensive human rights guidelines on development-based displacement as contained in document E/CN.4/Sub.2/1997/7, with a view to approving the guidelines in their present form at its sixty-first session;

“10. *Decides* to consider the issue of forced evictions at its sixty-first session under the agenda item entitled ‘Economic, social and cultural rights’.”

*22nd meeting*  
*13 August 2003*  
[Adopted without a vote. See chap. VII.]

### **2003/18. Housing and property restitution**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided* by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and other relevant international instruments on human rights and humanitarian law,

*Recalling* its decision 2001/122 of 16 August 2001 and its resolution 2002/30 of 15 August 2002 on the return of refugees’ or displaced persons’ property,

*Recalling also* its resolution 2002/7 of 14 August 2002 on housing and property restitution in the context of refugees and other displaced persons,

*Recalling further* Commission on Human Rights decision 2003/109 of 24 April 2003 on housing and property restitution in the context of the return of refugees and internally displaced persons,

*Reaffirming* its own resolution 1998/26 of 26 August 1998 on the same subject,

1. *Welcomes* the preliminary study submitted by the Special Rapporteur, Mr. Paulo Sérgio Pinheiro, on housing and property restitution in the context of the return of refugees and internally displaced persons (E/CN.4/Sub.2/2003/11) and endorses the conclusions and recommendation contained therein;

2. *Urges* all States to ensure the free and fair exercise of the right to return to one's home and place of habitual residence by all refugees and internally displaced persons and to develop effective and expeditious legal, administrative and other procedures to ensure the free and fair exercise of this right, including fair and effective mechanisms designed to resolve outstanding housing and property problems;

3. *Reiterates* that the adoption or application of laws by States which are designed to or result in the loss or removal of tenancy, use, ownership or other rights connected with housing or property, the retraction of the right to reside in a particular place, or laws of abandonment employed against refugees or internally displaced persons pose serious impediments to the return and reintegration of refugees and internally displaced persons and to reconstruction and reconciliation;

4. *Affirms* that the remedy of compensation should only be used when the remedy of restitution is not possible or when the injured party knowingly and voluntarily accepts compensation in lieu of restitution;

5. *Decides* to reconsider this issue at its fifty-sixth session.

*22nd meeting  
13 August 2003*

[Adopted without a vote. See chap. VI.]

**2003/19. Optional protocol to the International Covenant  
on Economic, Social and Cultural Rights**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Reaffirming* the need to reinforce the realization of economic, social and cultural rights through the provision of adequate mechanisms and remedies when they are violated,

*Recalling* its call for the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights to consider communications from individuals made in its resolution 1996/13 of 23 August 1996 and other pertinent resolutions, in particular, its resolution 2002/14 in which it urged the Commission on Human Rights at its fifty-ninth session to mandate the open-ended working group on the Commission to proceed with the drafting of the substantive text of an optional protocol to the International Covenant on Economic, Social and Cultural Rights,

*Recalling also* that in the Vienna Declaration and Programme of Action the World Conference on Human Rights encouraged the Commission on Human Rights to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

*Noting* the report of the independent expert to examine the question of an optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2003/53 and Corr.1 and 2),

*Recalling* the workshops organized by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights which examined, inter alia, the question of the justiciability of these rights, in particular the workshops held in New Delhi, Buenos Aires, Gaborone and Melbourne, Australia, the workshop held jointly with the International Commission of Jurists and the report of the round table organized by the International Commission of Jurists on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights,

*Welcoming also* the request of the Commission on Human Rights in paragraph 13 of resolution 2003/18 of 22 April 2003 to the open-ended working group of the Commission to meet for a period of 10 working days, prior to the sixtieth session of the Commission, with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights,

1. *Urges* the Commission on Human Rights at its sixtieth session to mandate the open-ended working group of the Commission to proceed with drafting the substantive text of an optional protocol to the International Covenant on Economic, Social and Cultural Rights;
2. *Urges* the open-ended working group of the Commission to draft an optional protocol to the International Covenant on Economic, Social and Cultural Rights that is comprehensive in scope and that provides that communications may be initiated by individual and collective victims as well as by individuals and groups empowered to initiate complaints on behalf of individual and collective victims; further, the instrument should be conceptualized as both a complaint mechanism and an inquiry procedure and preclude State party reservations;
3. *Decides* to continue to follow progress in the further elaboration and the adoption of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights at its fifty-sixth session under the same agenda item.

*22nd meeting*  
*13 August 2003*  
[Adopted without a vote. See chap. VI.]

### **2003/20. Prevention of corruption**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* General Assembly resolution 54/204 of 22 December 1999 and subsequent resolutions on the prevention of corrupt practices, the transfer of the proceeds of corruption, and the seizure, confiscation and repatriation of illicit funds,



*Recalling also* that the General Assembly requested the Ad Hoc Committee for the Negotiation of a Convention against Corruption in developing the draft convention to consider, inter alia, the seizure, confiscation and repatriation of illicit funds,

*Noting* that the Ad Hoc Committee has held six sessions and that the draft text of the convention against corruption has not yet been finalized,

*Sharing* the concern repeatedly expressed by the General Assembly at the seriousness of the problems posed by corrupt practices and the transfer of funds of illicit origin for the stability and security of societies, the values of democracy and morality and the social and economic development of societies,

*Deeply concerned* about the harmful impact of corrupt practices and the transfer of illicit funds on the economic and social as well as civil and political rights of people, including the rights to good governance, economic and social progress, an adequate standard of living, food, education and health care, especially in developing countries,

*Taking into account* the working paper by Ms. Christy Mbonu on corruption and its impact on the full enjoyment of human rights (E/CN.4/Sub.2/2003/18) discussed at the fifty-fifth session of the Sub-Commission,

1. *Recommends* that the convention against corruption provide for strong measures to criminalize corrupt practices, and prevent the transfer of illicit funds and also provide for the seizure, confiscation and repatriation of illicit funds to countries of origin, overcoming obstructions posed by bank secrecy laws in some countries, and ensure effective international judicial cooperation;

2. *Considers* that the process should be expedited with a view to finalizing the convention against corruption as soon as possible.

*22nd meeting  
13 August 2003*  
[Adopted without a vote. See chap. VI.]

## **2003/21. The rights of non-citizens**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided* by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments on human rights and humanitarian law,

*Reiterating* the principle of equality and non-discrimination embodied in, inter alia, Article 1, paragraph 3, of the Charter of the United Nations, article 2, paragraph 1, of the Universal Declaration of Human Rights, article 2, paragraph 1, of the International Covenant on Civil and Political Rights, article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, and articles 1 and 2 of the International Convention on the Elimination of All Forms of Racial Discrimination,

*Reiterating also* that States are required to respect and secure the human rights of all human beings,

*Concerned* that discrimination in various forms against persons who are not citizens of the country in which they reside has continued despite national and international efforts,

*Recalling* its decision 1998/103 of 20 August 1998, in which it entrusted Mr. David Weissbrodt with the preparation of a working paper on the rights of persons who are not citizens of the country in which they live, and recalling also the working paper on the rights of non-citizens (E/CN.4/Sub.2/1999/7 and Add.1) submitted by Mr. Weissbrodt at the fifty-first session of the Sub-Commission,

*Recalling also* its resolution 1999/7 of 25 August 1999, in which it recommended that the Commission on Human Rights recommend to the Economic and Social Council that it authorize the Sub-Commission to appoint a special rapporteur to prepare a comprehensive study on the rights of non-citizens, and that it established the mandate of the special rapporteur as consisting primarily of reporting on the status of non-citizens, taking into account the different categories of non-citizens with respect to different categories of rights in countries of different levels of development, with different rationales to be offered for such distinctions,

*Recalling further* Commission decision 2000/104 of 25 April 2000, in which the Commission requested the Council to authorize the Sub-Commission to appoint one of its members as Special Rapporteur with the task of preparing a comprehensive study of the rights of non-citizens, based on the working paper prepared by Mr. David Weissbrodt (E/CN.4/Sub.2/1999/7), as well as the comments made at the Sub-Commission and the Commission,

*Recalling* Economic and Social Council decision 2000/283 of 28 July 2000 approving Commission decision 2000/104,

*Recalling also* its decision 2000/103 of 1 August 2000 to appoint Mr. David Weissbrodt as Special Rapporteur on the rights of non-citizens, with the task of preparing a comprehensive study of the rights of non-citizens, and requesting him to submit a preliminary report to the Sub-Commission at its fifty-third session, a progress report at its fifty-fourth session and a final report at its fifty-fifth session,

*Recalling further* Commission decision 2002/107 of 25 April 2002 in which the Commission approved the request that the Secretary-General transmit the Special Rapporteur's questionnaire on the rights of non-citizens to Governments, intergovernmental organizations, the human rights treaty bodies and non-governmental organizations,

*Having welcomed* the Special Rapporteur's preliminary report (E/CN.4/Sub.2/2001/20 and Add.1) and progress report (E/CN.4/Sub.2/2002/25 and Add.1-3),

*Welcoming* the Special Rapporteur's final report (E/CN.4/Sub.2/2003/23 and Add.1-4) and welcoming with interest the updated information provided by the Special Rapporteur,

1. *Expresses its appreciation* to the Special Rapporteur for having completed this study in a timely fashion and at a time when the rights of non-citizens are increasingly a subject of concern;

2. *Decides* to transmit the Special Rapporteur's final report to the Commission on Human Rights and to Governments, the International Labour Organization, the International Organization for Migration, the United Nations High Commissioner for Refugees, the

Committee on the Elimination of Racial Discrimination, the other human rights treaty bodies, the International Committee of the Red Cross and other relevant bodies of the United Nations, as well as to disseminate the report pursuant to Sub-Commission decision 2003/...;

3. *Believes* that international human rights law requires, in principle, the equal treatment of citizens and non-citizens, and that States should ensure that all exceptions to this principle in their national legislation are consistent with international human rights standards;

4. *Reiterates* the study's conclusion that continued discriminatory treatment of non-citizens in contravention of relevant international human rights instruments demonstrates the need for clear, comprehensive standards governing the rights of non-citizens, their implementation by States, and more effective international monitoring of compliance;

5. *Calls upon* States to pursue universal ratification and implementation of the principal human rights treaties that deal particularly with the rights of non-citizens, for example, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention and Protocol relating to the Status of Refugees; Conventions Nos. 97, 118 and 143 of the International Labour Organization; the Convention on the Reduction of Statelessness; the Convention relating to the Status of Stateless Persons; the Vienna Convention on Consular Relations and its two Protocols; and, where applicable, relevant regional treaties such as Protocol Nos. 4 and 7 to the European Convention on Human Rights, the European Framework Convention for the Protection of National Minorities and the European Convention on Nationality;

6. *Encourages* States to abide by the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live;

7. *Urges* States to comply with their obligations under international human rights, labour, refugee and humanitarian law, including very helpful interpretations thereof, relating to non-citizens, including refugees, asylum-seekers, stateless persons and trafficked persons;

8. *Urges* the international community to provide non-citizens with protection and assistance in an equitable manner and with due regard to their needs in different parts of the world, in keeping with the principles of international solidarity, burden-sharing and international cooperation;

9. *Calls upon* States to take actions, consistent with the principles of freedom of expression and prohibition of advocacy of national, racial or religious hatred, to counter any tendency to target, stigmatize, stereotype, or profile members of particular population groups, such as non-citizens, by officials, the media and society at large;

10. *Urges* in addition that complaints made against such officials, notably those concerning discriminatory or racist behaviour, be subject to independent and effective scrutiny as well as effective remedy;

11. *Encourages* States to address the difficult challenges relating to migration, refugees and integration of non-citizens in a nuanced fashion, giving proper attention to a human rights perspective and particularly discouraging the use of racist or xenophobic propaganda vis-à-vis non-citizens;

12. *Suggests* that the treaty bodies intensify their dialogues with States parties in regard to the rights accorded to, and the actual situations faced by, non-citizens within their respective spheres of concern and urge States to include information on non-citizens within their territory/jurisdiction in their reports to the treaty bodies;

13. *Urges* the human rights treaty bodies, either individually or jointly, to prepare general comments/recommendations that would establish a consistent, structured approach to the protection of the rights of non-citizens;

14. *Welcomes* the efforts of the Committee on the Elimination of Racial Discrimination to work with the Special Rapporteur on the rights of non-citizens in preparing a revised general recommendation on the rights of non-citizens in the light of the Special Rapporteur's report;

15. *Requests* the Special Rapporteur to cooperate with the Committee on the Elimination of Racial Discrimination in preparing and issuing a revised general recommendation on the rights of non-citizens;

16. *Welcomes* the important role that the Committee to be established under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families will have in protecting the rights set forth in the Convention and expresses its conviction that the final report of the Special Rapporteur on the rights of non-citizens is useful in fulfilling its role in implementing the Convention;

17. *Notes* that the Special Rapporteur on the human rights of migrants has an important role in continuing her review of the situation facing migrants throughout the world, visiting countries of particular concern, receiving communications about human rights problems and reporting to the Commission on Human Rights;

18. *Encourages* cooperation among the Commission, the Sub-Commission, the human rights treaty bodies, the Special Rapporteur on the human rights of migrants, the International Labour Organization, the United Nations High Commissioner for Refugees, the International Organization for Migration, the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, the European Commission against Racism and Intolerance and relevant non-governmental organizations in regard to safeguarding the rights of non-citizens and cooperating in the preparation of the studies and working papers authorized by the Sub-Commission that will continue to scrutinize several aspects of the rights of non-citizens;

19. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

“The Commission on Human Rights, taking note of resolution 2003/21 of 13 August 2003 of the Sub-Commission on the Promotion and Protection of Human Rights, recommends to the Economic and Social Council the following decision for adoption:

‘The Economic and Social Council decides to authorize Mr. David Weissbrodt as Special Rapporteur for a period of three years with the task of furthering the study of the rights of non-citizens based on the final report (E/CN.4/Sub.2/2003/23 and Add.1-4) of the Special Rapporteur by monitoring the rights of non-citizens (including refugees, asylum-seekers, stateless persons and forcibly trafficked persons) and taking effective action in response to information received; cooperating with the Commission’s thematic procedures (particularly the Special Rapporteur on the human rights of migrants) and the human rights treaty bodies (particularly the Committee on Migrant Workers and Members of Their Families) in order to secure consistency of approach and avoid duplication of effort; making recommendations to the Sub-Commission, other relevant United Nations bodies, and other interested parties; and preparing an annual report to the Sub-Commission on the rights of non-citizens. The Council requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable him/her to accomplish this task.’”

*22nd meeting  
13 August 2003*

[Adopted without a vote. See chap. VII.]

## **2003/22. Discrimination based on work and descent**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* article 2 of the Universal Declaration on Human Rights, which states that everyone is entitled to all human rights and fundamental freedoms without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and the similar provisions contained in article 2, paragraph 1, of the International Covenant on Civil and Political Rights and article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights,

*Recalling also* that “descent” is included as one of the prohibited grounds of distinction, exclusion, restriction or preference contained in the definition of “racial discrimination” in article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination,

*Recalling further* its resolution 2000/4 of 11 August 2000 and the working paper (E/CN.4/Sub.2/2001/16) submitted by Mr. R.K.W. Goonesekere on this topic,

*Welcoming* the adoption of general recommendation XXIX on descent-based discrimination by the Committee on the Elimination of Racial Discrimination on 22 August 2002,

*Taking account* of the report of the Working Group on Contemporary Forms of Slavery at its twenty-eighth session (E/CN.4/Sub.2/2003/31), in which the Working Group recognized that victims of slavery and slavery-like practices frequently belong to minority groups, including people of descent-based groups,

*Aware* that discrimination based on work and descent has historically been a feature of societies in different regions of the world and continues to affect a significant proportion of the world’s population,

1. *Reaffirms* that discrimination based on work and descent is a form of discrimination prohibited by international human rights law;
2. *Recognizes and commends* the constitutional, legislative and administrative measures taken by some States to combat this form of discrimination and to remedy its consequences;
3. *Welcomes* the expanded working paper submitted by Mr. Asbjørn Eide and Mr. Yozo Yokota, on the topic of discrimination based on work and descent (E/CN.4/Sub.2/2003/24), and endorses the conclusions and recommendations contained therein;



4. *Calls upon* States to formulate and implement without delay at the national, regional and international levels new and enhanced policies and plans of action to effectively eliminate discrimination based on work and descent, taking into account the measures proposed in general recommendation XXIX on descent-based discrimination adopted by the Committee on the Elimination of Racial Discrimination;

5. *Invites* States to give widespread publicity to general recommendation XXIX;

6. *Invites* all relevant special mechanisms of the Commission on Human Rights, in particular the Special Rapporteur on adequate housing, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on education, the Special Rapporteur on the highest attainable standard of physical and mental health, the Special Rapporteur on violence against women and the Working Group on Arbitrary Detention, to consider the impact of discrimination based on work and descent and analogous forms of inherited social exclusion in the areas of their respective mandates;

7. *Decides* to entrust Mr. Eide and Mr. Yokota with the task of preparing, without financial implications, a further working paper on the topic of discrimination based on work and descent, with a view to fulfilling the mandate given in Sub-Commission resolution 2000/4, in particular, in order:

(a) To examine legal, judicial, administrative and educational measures taken by the Governments concerned;

(b) To identify additional communities affected by discrimination based on work and descent; and

(c) To prepare a draft set of principles and guidelines for all relevant actors, not only national or federal Governments but also local governments as well as private sectors such as corporations, schools, religious institutions and other public places where discrimination based on work and descent often occurs, in cooperation and collaboration with relevant international

human rights treaty bodies and United Nations organs and agencies, inter alia, the Committee on the Elimination of Racial Discrimination, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, taking full account of the contents of the Committee's general recommendation XXIX;

8. *Requests* Mr. Eide and Mr. Yokota to submit their working paper to the Sub-Commission at its fifty-sixth session;

9. *Decides* to continue consideration of this matter at its fifty-sixth session under the same agenda item.

*22nd meeting  
13 August 2003*

[Adopted without a vote. See chap. VII.]

### **2003/23. The rights of minorities**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Noting* Commission on Human Rights resolution 2003/50 of 23 April 2003 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

*Having considered* the report of the Working Group on Minorities on its ninth session (E/CN.4/Sub.2/2003/19) and in particular the conclusions and recommendations contained therein,

*Disturbed* at the continued widespread occurrence of violent conflicts in many parts of the world where ethnic or religious hostility is engendered and exploited by one or more of the parties to the conflict,

*Reiterating* the need for States, minorities and majorities to search for peaceful and constructive solutions to problems affecting minorities,

*Affirming* that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and

linguistic minorities, ensuring effective non-discrimination and de facto equality for all, as well as full and effective participation in matters affecting them, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

*Emphasizing* the importance of the timely identification of human rights problems and situations involving national or ethnic, religious and linguistic minorities, and the necessity of taking measures for the prevention of tension and conflict,

*Emphasizing* the need for system-wide cooperation within the United Nations to facilitate peaceful solutions to situations involving minorities,

*Noting* General Assembly resolution 57/337 of 3 July 2003 on prevention of armed conflict, in which the Assembly is affirmed, inter alia, that the ethnic, cultural and religious identity of minorities must be protected,

*Welcoming* the work of the Working Group on Minorities in promoting regional and local initiatives for the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by organizing regional expert seminars,

1. *Endorses* the conclusions and recommendations of the Working Group on Minorities at its ninth session as contained in its report (E/CN.4/Sub.2/2003/19);
2. *Reaffirms* the importance of the Working Group and its uniqueness as the only forum in the United Nations with a mandate to deal exclusively with minority issues;
3. *Expresses satisfaction* with the progress report of Mr. Asbjørn Eide (E/CN.4/Sub.2/2003/21) and reiterates its request that the final report updating his 1993 study on peaceful and constructive approaches to situations involving minorities be submitted to the Sub-Commission at its fifty-sixth session;
4. *Welcomes* the Working Group's practice of requesting its members, and of encouraging the Working Group's partners, to prepare papers on thematic issues;

5. *Welcomes* the holding of the first Asian Sub-Regional Seminar on Minority Rights: Cultural Diversity and Development in South East Asia at Chiang Mai, Thailand, from 4 to 7 December 2002, and its reports (E/CN.4/Sub.2/AC.5/2003/2 and E/CN.4/Sub.2/AC.5/2003/WP.14) and endorses the proposal of the Working Group to hold seminars in other subregions of Asia, particularly South and East Asia, with a view to considering regional guidelines, principles or codes of conduct at such meetings;

6. *Welcomes* the intention of the Working Group to hold seminars in the West and Central African subregions, and an inter-American seminar as a follow-up to the La Ceiba, Honduras, seminar held from 21 to 24 March 2002, as well as its intention to cooperate with the Council of Europe for the holding of a seminar on the Roma, to which Roma representatives from non-European countries should also be invited, and recommends that the participation of minority experts from developing countries be facilitated in those meetings;

7. *Welcomes* the invitation from the Government of Finland for the Working Group to visit that country and the similar offer from Switzerland;

8. *Invites* the Office of the High Commissioner to consider organizing training workshops at the national level on the implementation of the rights of minorities;

9. *Notes* that the tenth session of the Working Group will be held in 2004 and welcomes the proposal to hold, immediately prior to that session, a two-day meeting on promoting the protection of minority rights and recommends that minority experts, members of national human rights institutions, representatives of regional mechanisms, including on conflict prevention issues, as well as representatives of other intergovernmental organizations such as the United Nations Development Programme and the World Bank be invited to provide information on their policies concerning minority situations and on the incorporation of such concerns in their country programmes, including from the perspective of conflict-impact assessments, and addressing the exclusion of disadvantaged minorities when considering policies for reaching the millennium development goals;

10. *Takes note* of the recommendation to the Office of the United Nations High Commissioner for Human Rights for the preparation of additional pamphlets to be prepared for inclusion in the *United Nations Guide for Minorities*, in particular on the work of conflict prevention mechanisms for the promotion and protection of the rights of persons belonging to minorities;

11. *Recommends* that the High Commissioner for Human Rights, when inviting, among others, Governments to submit their views on how best to protect the rights of persons belonging to minorities, also request them to consider providing the names of experts with a view to facilitating their participation in regional and international meetings and in advisory services, and to consider providing information about recent cases relating to minority rights considered in the highest courts of the country;

12. *Requests* the Commission on Human Rights to ask the Office of the High Commissioner for Human Rights to seek information from Governments on the national or ethnic, religious and linguistic minorities recognized within their country, whether the principle of self-identification is recognized in law or practice and the measures in place for protecting the identity of minorities and to transmit that information to the Working Group;

13. *Appeals* to all States, specialized agencies, non-governmental organizations and scholars to continue to participate actively in the work of the Working Group;

14. *Recommends* the establishment of an international year for the world's minorities, to be followed by a decade, with a view to, inter alia, advancing the implementation of article 9 of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities relating to inter-agency cooperation for the full realization of the rights and principles set forth in the Declaration, within their respective fields of competence, and decides to prepare a draft decision on that matter for the consideration of the Commission on Human Rights at its sixtieth session;

15. *Recommends* the establishment of a voluntary fund to facilitate the participation in the Working Group and its related activities of minority representatives and experts from

developing countries and for the organization of other activities relating to the protection of minorities, and decides to prepare a draft decision to that effect for the consideration of the Commission on Human Rights at its sixtieth session;

16. *Urges* the Office of the High Commissioner for Human Rights, when drafting the report to the Commission on Human Rights at its sixtieth session pursuant to Commission resolution 2003/50, to reflect the discussion which took place during the ninth session of the Working Group on Minorities with regard to the possible establishment of a special procedure on minority issues.

*22nd meeting*

*13 August 2003*

[Adopted without a vote. See chap. VII.]

## **B. Decisions**

### **2003/101. Establishment of a sessional working group on the administration of justice under agenda item 3**

At its 1st meeting, on 28 July 2003, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to establish a sessional working group on the administration of justice under agenda item 3, composed of the following members: Ms. Hampson, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa and Mr. Sorabjee.

[See chap. III.]

### **2002/102. Establishment of a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4**

As its 1st meeting, on 28 July 2003, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to establish a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4, composed of the following members: Mr. Alfonso Martínez, Mr. Guissé, Mr. Malguinov, Mr. Park and Mr. Weissbrodt.

[See chap. III.]

### **2003/103. Decision to postpone draft decision E/CN.4/Sub.2/2003/L.33**

At its 21st meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to postpone until its next session the draft decision contained in document E/CN.4/Sub.2/2003/L.33.

[See chap. III.]

### **2003/104. Women in prison**

At its 21st meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to entrust Ms. Florizelle O'Connor with the

preparation, without financial implications, of a working paper on women in prison, including issues relating to the children of women in prison, and requests Ms. O'Connor to submit her working paper to the Sub-Commission at its fifty-sixth session.

[See chap.V.]

**2003/105. The prevention of human rights violations committed with small arms and light weapons**

At its 21st meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 2002/25 of 14 August 2002, and welcoming the preliminary report of the Special Rapporteur, Barbara Frey (E/CN.4/Sub.2/2003/29), decided, without a vote, to request the Secretary-General to transmit a questionnaire elaborated by the Special Rapporteur to Governments, national human rights institutions and non-governmental organizations to solicit information required in connection with her study, in particular on the national laws and training programmes used to implement the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, in order that the Special Rapporteur may take them fully into account in preparing her progress report for the fifty-sixth session of the Sub-Commission.

The Sub-Commission, taking note of Commission on Human Rights resolution 2003/59 of 24 April 2003, also decides to recommend the following draft decision to the Commission for adoption:

“The Commission on Human Rights, taking note of decision 2003/105 of 13 August 2003 of the Sub-Commission on the Promotion and Protection of Human Rights and recalling its own decision 2003/112 of 25 April 2003, decides to approve the request of the Sub-Commission to the Secretary-General to transmit a questionnaire elaborated by the Special Rapporteur to Governments, national human rights institutions and non-governmental organizations to solicit information required in connection with the study, in particular on the national laws and training programmes used to implement



the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, in order that the Special Rapporteur may take them fully into account in preparing her progress report for the fifty-sixth session of the Sub-Commission.”

[See chap. VIII.]

### **2003/106. Promotion and consolidation of democracy**

At its 21st meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decisions 2000/116 of 18 August 2000, 2001/114 of 16 August 2001 and 2002/116 of 15 August 2002 and again expressing its appreciation to Mr. Manuel Rodríguez Cuadros for his extended working paper on measures provided in the various international human rights instruments for the promotion and consolidation of democracy (E/CN.4/Sub.2/2002/36), decided, without a vote, to request Mr. Rodríguez Cuadros to prepare, without financial implications, the final version of his working paper, taking into account the comments and suggestions made at the fifty-fifth session of the Sub-Commission, for submission to the Sub-Commission at its fifty-sixth session.

[See chap. V.]

### **2003/107. Working paper on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence**

At its 22nd meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights, taking into account the working paper presented by Ms. Lalaina Rakotoarisoa, (E/CN.4/Sub.2/2003/WG.1/CRP.1) decided, without a vote, to request her to submit an expanded working paper on the difficulties of establishing guilt and/or responsibility with regard to crimes of sexual violence, including the attitude of the investigating authorities, the gathering of evidence, including forensic evidence, rules of evidence, rules of criminal and civil procedure, the protection of witnesses and survivors before, during and after the proceedings, the special needs of child suspects, witnesses and survivors, rules on the

disclosure of the identity of the suspect and survivor and the need to guarantee the rights of the defendant, with a view to identifying best practice to the Sub-Commission at its fifty-sixth session.

[See chap. V.]

**2003/108. Working paper on the criminalization, investigation and prosecution of acts of serious sexual violence**

At its 22nd meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights, by way of follow-up to the final report on systematic rape, sexual slavery and slavery-like practices during armed conflict (E/CN.4/Sub.2/1998/13) decided, without a vote, to request Ms. Françoise Hampson to submit a working paper on the criminalization, investigation and prosecution of acts of serious sexual violence occurring in the context of an armed conflict or committed as part of a widespread or systematic attack directed against any civilian population to the sessional working group on the administration of justice of the Sub-Commission at its fifty-sixth session.

[See chap. V.]

**2003/109. Working paper on debt**

At its 22nd meeting, on 13 August 2003, considering the adverse effects of debt and debt-servicing on the realization of economic, social and cultural rights, civil and political rights, the right to development and the right to a healthy environment and aware of the work of the Commission on Human Rights and its special procedures on this subject, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to request Mr. El Hadji Guissé to prepare, without financial implications, a working paper on the effects of debt on human rights, for submission to the Sub-Commission at its fifty-sixth session.

[See chap. VI.]

**2003/110. Publishing the final report of the Special Rapporteur  
on the rights of non-citizens**

At its 22nd meeting on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to submit the following draft decision to the Commission on Human Rights for adoption:

“The Commission on Human Rights, recalling its decision 2000/104 of 25 April 2000 and Economic and Social Council decision 2000/283 of 28 July 2000 authorizing the Sub-Commission on the Promotion and Protection of Human Rights to appoint one of its members as Special Rapporteur with the task of preparing a comprehensive study of the rights of non-citizens and also its decision 2002/107 of 25 April 2002 authorizing the Sub-Commission to request information in regard to the study, and welcoming the final report (E/CN.4/Sub.2/2003/23 and Add.1-4), together with the working paper (E/CN.4/Sub.2/1999/7 and Add.1), the preliminary report (E/CN.4/Sub.2/2001/20 and Add.1) and the progress report (E/CN.4/Sub.2/2000/25 and Add.1-3) submitted by the Special Rapporteur, decides to request the Special Rapporteur to compile and update all his reports, addenda and questionnaire replies into a single report.

“The Commission recommends to the Economic and Social Council the following draft decision for adoption:

‘The Economic and Social Council, recalling its decision 2000/283 of 28 July 2000 authorizing a comprehensive study of the rights of non-citizens and Commission on Human Rights decision 2000/104 of 25 April 2000, decides that the updated and consolidated report on the rights of non-citizens should be published in all official languages of the United Nations and given the widest possible distribution, including to Governments, relevant bodies and agencies of the United Nations system (including the International Labour Organization, the

Office of the United Nations High Commissioner for Refugees, treaty bodies and the Special Rapporteur on the human rights of migrants), specialized agencies, regional intergovernmental organizations and non-governmental organizations.”

[See chap. VII.]

#### **2003/111. Draft decision on a voluntary fund on minority-related activities**

At its 22nd meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to adopt the following draft decision for transmission to the Commission on Human Rights:

“The Commission on Human Rights, taking note of resolution 2003/... of ... August 2003 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses its recommendation that a voluntary fund on minority-related activities be established to facilitate the participation in the Working Group on Minorities and its related activities of minority representatives and experts from developing countries and for the organization of other activities relating to the implementation of the rights of persons belonging to minorities, with the members of the Working Group acting as a virtual decision-making board. The Commission recommends that the Economic and Social Council approve this request and recommend to the General Assembly that it give favourable consideration to the establishment of a voluntary fund on minority-related activities.”

[See chap. VII.]

#### **2003/112. Composition of working groups of the Sub-Commission for 2004**

At its 22nd meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to approve the following composition of its working groups for 2004, with the understanding that, in view of the forthcoming elections for half of the members of the Sub-Commission, to be held during the sixtieth session of the

Commission on Human Rights, the Chairperson of the Sub-Commission, in consultation with the regional groups, would take the necessary action to replace any members of the working groups not re-elected to the Sub-Commission:

Regional group	Minorities	Slavery	Indigenous populations	Communications	Social Forum
Africa	Ms. Zerrougui	Ms. Warzazi	Mr. Guissé	Mr. Yimer	Mr. Mbonu Mr. Guissé
	Mr. Dos Santos Alves (alternate)	Ms. Rakotoarisoa (alternate)	Ms. Mbonu (alternate)	Ms. Zerrougui (alternate)	
Asia	Mr. Sorabjee	Mr. Sattar	Mr. Yokota	Mr. Chen Shiqiu	Mr. Chen Shiqiu Mr. Sattar
	Ms. Chung (alternate)	Mr. Park (alternate)	Ms. Terao (alternate)	Mr. Liu (alternate)	
Eastern Europe	Mr. Kartashkin	Mr. Ogurtsov	Ms. Motoc	Mr. Kartashkin	Ms. Popescu Mr. Ogurtsov
	Ms. Motoc (alternate)	Ms. Popescu (alternate)	Mr. Ogurtsov (alternate)	Mr. Malguinov (alternate)	
Latin America	Mr. Bengoa	Mr. Pinheiro	Mr. Alfonso Martínez	Mr. Rodríguez Cuadros	Mr. Bengoa Ms. O'Connor
	Mr. Rodríguez Cuadros (alternate)	Ms. O'Connor (alternate)	Mr. Bengoa (alternate)	Mr. Alfonso Martínez (alternate)	Mr. Pinheiro Mr. Alfonso Martínez (alternates)
Western Europe and other States	Mr. Eide	Ms. Frey	Ms. Hampson	Mr. Weissbrodt	Mr. Eide Mr. Décaux
	Ms. Koufa Mr. Décaux (alternates)	Mr. Décaux Ms. Koufa (alternates)	Mr. Décaux (alternate)	Mr. Décaux Ms. Hampson Ms. Frey (alternates)	Ms. Hampson (alternate)

[See chap. III.]

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